



**Request for City Council Committee Action
From the City Attorney's Office**

Date: March 4, 2005
To: Ways & Means/Budget Committee
Referral to:

Subject: Shamso Ali v. City of Minneapolis

Recommendation: That the City Council approve settlement of this matter for the sum of \$5,000.00 payable to Shamso Ali and her attorney David N.O. Johnson from Fund/Org 6900 150 1500 4000.

Previous Directives:

Prepared by: Edward Backstrom, Assistant City Attorney Phone: 673-2072

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Fund/Org 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This claim arises from a motor vehicle accident which occurred on August 27, 2001. The settlements of lawsuits brought by the driver and one passenger arising out of this accident have already been approved by the City Council.

The facts underlying the accident for all three claims are the same. Officer Michael Lardy was driving an unmarked City vehicle westbound on West 22nd Street and had stopped at the stop sign at Pillsbury Avenue. The traffic proceeding northbound on Pillsbury Avenue was not controlled at its intersection with West 2nd Street. As Officer Lardy drove into the intersection his vehicle was struck by a northbound vehicle

driven by Halima Ahmed. Shamso Ali was one of three passengers in the Ahmed vehicle. Officer Lardy has indicated that his view was blocked by parked car and he was proceeding slowly when the other vehicle struck him. Officer Lardy was halfway into the intersection when he was struck.

Ms. Ali went to a chiropractor two days after the accident. She had complaints of head, neck, and back pain. Blake Chiropractic diagnosed her with soft tissue trauma to the cervical, thoracic, and lumbar spine with related cervicogenic headaches. On November 20, 2001 she changed chiropractors and began treating with ChiroMed Clinic where she was seen by Dr. Cherner, D.C. and Dr. Gringauz, M.D. At that time Ali had complaints of neck pain, mid and low back pain, right shoulder pain, headaches, SI joint pain, and right shoulder blade pain. As of July of 2002 Ms Ali was reporting 50% improvement and was placed on a per need treatment basis. Dr. Cherner states that Ms. Ali sustained permanent injury to her neck, back, and right shoulder as a result of the accident.

Dr. Wanda Blaylark, M.D. examined by Ms. Ali for the no-fault carrier on December 27, 2001. The doctor concluded that Ms. Ali had received strains to her neck, upper back, and right shoulder, and also received a right thumb sprain as a result of the accident. The doctor also found that Ms. Ali's subjective complaints on 12-27-01 were not supported by objective findings. Dr. Blaylark found that Ms. Ali needed no further medial care. As a result her no-fault benefits were discontinued.

It seems likely that Officer Lardy will be found to be at fault in the accident. In addition, since Ali was a passenger there can be no contributory negligence on her part. Ms. Ali was not working at the time so there is no wage claim. The IME done by the driver's insurance company indicates that she was injured, but that her injury was not permanent. Ali claims that medical expenses of \$7,626.51 have been paid and that there is \$6,500.00 in medical expense still outstanding.

The attorney for the plaintiff had demanded \$30,000.00 to settle the case. The plaintiff has, at this time, agreed to a settlement in the amount of \$5,000.00. Settlement in this amount has been approved by the City Attorney's Office Litigation Committee.