



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

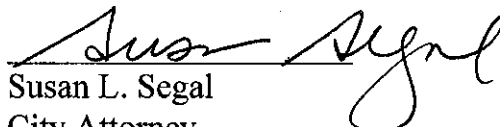
Date: January 27, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: Dean Craker v. City of Minneapolis
Court File No.: 27-CV-09-3149

Recommendation: That the City Council approve the settlement of this case by payment of \$20,000.00, payable to Dean Craker and his attorney, Brad C. Eggen, from Fund/Org. 06900-1500100-145607 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None.

Prepared by: Thomas J. Miller Phone: (612) 673-2897

Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact

- No financial impact
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact: Payment from Fund/Org. 06900-1500100-145607
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent claim arise out of a bicycle accident that occurred on the afternoon of August 15, 2005. At that time and place, sixty-one year-old Dean Craker was riding his bicycle across the Stone Arch Bridge from the south end (downtown Minneapolis) to the north end. Also, at that time, the Public Works Department was in the process of installing lighting on the bridge. As part of that project, an access hole was created on the north end of the bridge and covered with a one-and-one-half inch steel plate when not being utilized by workers. As Craker came to the north end of the bridge, his bike tire caught the ledge of the plate and he was thrown off of his bicycle.

As a result of the crash, Craker sustained a severe quadruple displaced fracture of his left shoulder and in excess of \$10,000.00 in treatment expenses. After non-surgical medical treatment and physical therapy, Craker continues to suffer significant disability in his shoulder and daily life. He is still unable to use his arm above shoulder level. In addition, Craker is at future risk for worsening pain in his shoulder, arthritis and surgery.

Following extensive negotiations we have reached a tentative settlement of Craker's bodily injury lawsuit against the City in the amount of \$20,000.00. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM/ 05L-0433