



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

Date: January 24, 2005
To: Ways & Means/Budget Committee
Referral to: None

Subject: Chuba Nsude v. City of Minneapolis
Hennepin County District Court File No. PI 04-006625

Recommendation: That the City Council approve settlement of this lawsuit by payment of \$8,000.00 to Chuba Nsude and his attorney, Bobby Sea, Esq., 2147 University Avenue West, Suite 218, St. Paul, MN 55114 from Fund/Org 690 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

Prepared by: Erik E. Nilsson
Assistant City Attorney

Phone: 673-2192

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): Payment of \$8,000.00 from Fund /Org. 690 150 1500 6660
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This memorandum is submitted to request City Council approval of a settlement reached in the above-entitled matter. The case arose out of a motor vehicle accident involving a squad car on October 20, 1998. On that date, Plaintiff Nsude was stopped at a red light on Washington Avenue South and 2nd Avenue South

when he was involved in a chain reaction accident. Officer Luis Carlos Porras was driving inattentively, rear-ended a vehicle in front of him, which then collided with the rear of Plaintiff Nsude's vehicle in turn.

Plaintiff alleges his head struck the windshield, his chest hit the steering column, and he felt immediate head, neck, and back pain. He was treated at Hennepin County Medical Center and Riverside Family Medical and Rehabilitation Clinic. Through most of 1999, Plaintiff Nsude received regular chiropractic treatment from Dr. Geoffery Rurik at Riverside Family Medical, where he was diagnosed with a small disc herniation and cervical segments C6 and C2 were found to be in posterior maligned positions. Dr. Rurik concluded Plaintiff Nsude suffered a permanent soft tissue injury to his lumbar spine as a result of the accident. Plaintiff Nsude also alleges wage loss due to a five week layoff following the accident.

The liability of the City is clear in this case. Plaintiff Nsude suffered documented soft tissue injuries and had no preexisting conditions. The City previously paid Plaintiff Nsude's property damage (motor vehicle) claim for \$1,265.00 in January 1999.

Contingent upon your approval, Plaintiff Nsude would agree to a full and complete settlement of his case against the City of Minneapolis for the sum of \$8,000.00. Plaintiff Nsude had originally demanded \$50,000.00 to settle this case. I believe this is an appropriate resolution of this matter and is in the best interest of the City.

04L-0281