



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

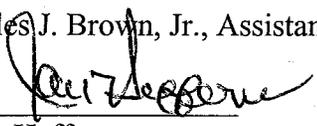
Date: June 26, 2007  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Aminia Birimbir  
Auto/Personal Injury Claim

Recommendation: That the City Council approve settlement of the claim filed by Aminia Birimbir in the amount of \$15,000.00, payable to Aminia Birimbir and Michael J. Riehm, Esq., her attorney of record, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims in this matter, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Charles J. Brown, Jr., Assistant City Attorney Phone: 612-673-2903

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 from 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**

On March 8, 2006, at approximately 7:00 p.m., claimant Aminia Birimbir was a front seat passenger in a 1998 Audi Quatro which was traveling northbound in the left lane on Cedar Avenue. During this time, Minneapolis Police Officer Derek Chauvin was driving his squad car northbound in the right lane on Cedar Avenue and gauging oncoming southbound traffic in order to negotiate a left turn onto 7<sup>th</sup> Street. Officer Chauvin activated his left turn signal in an attempt to make the u-turn; however, as he attempted a left turn, his squad's left bumper collided with the front passenger door of the Audi. Ms. Birimbir was 47 years old at the time of this accident.

Immediately following the collision, Ms. Birimbir claims an onset of neck, right shoulder and back pain. Consequently, she presented to Allina Medical Clinic with complaints of neck, shoulder, upper back, right middle finger and arm pain. Ms. Birimbir also complained of dizziness. Dr. Varikuti examined her and prescribed Darvocet and Zanaflex for her pain. Dr. Varikuti also recommended chiropractic treatment and physical therapy.

On March 17, 2006, Ms. Birimbir presented to Bloomington Lake Chiropractic. Dr. Smith treated her and advised her to return for treatment three to four times a week for the following four weeks. Dr. Smith also referred Ms. Birimbir to rehabilitation and massage therapy. On June 22, 2006, Ms. Birimbir presented to Noran Neurological Clinic for a consultation. Upon presentation, Dr. Ryberg examined Ms. Birimbir and suspected she suffered a musculoligamentous injury of the neck and back. He also stated that Ms. Birimbir may have a herniated disc or a torn rotator cuff. As a result, Dr. Ryberg scheduled an MRI diagnostic test and prescribed Naprosyn. On June 29, 2006, Ms. Birimbir underwent an MRI of her cervical and lumbar spine and right shoulder. The MRI confirmed a torn rotator cuff tear. On August 1, 2006, Ms. Birimbir was referred to Twin Cities Orthopedics by Dr. Ryberg for an evaluation of her right shoulder. Upon examination and review of Ms. Birimbir's MRI results, Dr. Riggi concluded that she would be a good candidate for surgery to repair her torn rotator cuff tear.

Since the accident, Ms. Birimbir has not undergone surgery. She also claims that continued pain and physical restrictions have detrimentally affected all aspects of her life. Ms. Birimbir alleges pain in her neck, right shoulder and back which limit her daily activities. She is also limited in lifting, carrying, and bending which makes many of her job and household duties difficult. To date, Ms. Birimbir continues to treat with her health care providers on an as needed basis. It appears she sustained a verifiable turn rotator cuff injury as a result of the subject accident. In addition, Ms. Birimbir's medical bills for treatment related to the subject accident total \$12,0007.71.

Ms. Birimbir initially demanded a settlement of \$50,000.00. However, after much negotiation, she has agreed to accept \$15,000.00 as full and final settlement of her claim against the City of Minneapolis.

Liability is clear in this case because the City police officer failed to yield to or recognize the vehicle in which Ms. Birimbir was a front passenger. In addition, Ms. Birimbir has verifiable injuries and damages. Given the apparent liability on the part of the City and Ms. Birimbir's medical costs and possible future surgery, a jury could award a substantial judgment in her favor.

Accordingly, the City Attorney's Office believes that the proposed settlement is in the best interest of the City of Minneapolis and recommends approval.

06L-05317