



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

Date: February 24, 2006
To: Ways & Means/Budget Committee
Referral to: None

Subject: Personal Injury Claim (#04L-0158) of Martha Golds-Obondi

Recommendation: That the City Council approve settlement of the above-referenced matter in the amount of \$30,000 payable to Martha Golds-Obondi and Weisberg & Associates, P.A. from Fund/Org. 6900 150 1500 4000 and further authorize the City Attorney's Office to execute all documents necessary to finalize the settlement.

Previous Directives: None

Prepared by: Erik 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): \$30,000.00 payable from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Background/Supporting Information:

This memorandum is submitted to request City Council approval of a settlement reached in the above-entitled matter. The claim arose out of a motor vehicle accident involving a squad car on February 2, 2004. On that date, Martha Golds-Obondi was traveling west on Lake Street East in the far right lane when a police squad traveling east suddenly attempted a left turn in front of her. The front driver's side corner of

the squad struck the front driver's side corner of Ms. Golds-Obondi's vehicle. Based on these facts, it appears that the liability of the City is clear.

Ms. Golds-Obondi alleges severe injury to her right arm and shoulder, which was braced against the steering wheel. She treated at Fairview Hospital where she was given cervical x-rays and diagnosed with cervical strain. On February 9th, Ms. Golds-Obondi began a treatment program with Dr. Reed at Integrated Health Service where she received a structured physical therapy program and therapeutic massage for shoulder dysfunction related to abnormal range of motion. Due to continued tingling and numbness in her right arm/shoulder, Dr. Reed referred Ms. Golds-Obondi to the Noran Neurological Clinic. She was prescribed Naprosyn and advised to continue treatments with Dr. Reed. On February 14, Ms. Golds-Obondi began treatment with Dr. Becker at Minneapolis Orthopedics, who recommended an MRI. It revealed evidence of a rotator cuff tear.

On September 23, 2004, Ms. Golds-Obondi underwent shoulder surgery. The intraoperative arthroscopic findings included a 1.5 x 1.5 cm supraspinatus insertional rotator cuff tear. Dr. Becker opines that the injury is permanent and related to the accident. On April 28, 2005, Ms. Golds-Obondi required an additional shoulder manipulation and an injection for continuing pain. Ms. Golds-Obondi has wage loss totaling \$4,573.92 and medical expenses to date of \$42,637.83. After successful arbitration with the no-fault carrier, Ms. Golds-Obondi still has \$24,447.27 in uncompensated losses.

Contingent upon your approval, Ms. Golds-Obondi would agree to a full and complete settlement of her claim against the City of Minneapolis for the sum of \$30,000.00. She had originally demanded \$90,000.00 to settle this case. I believe this is an appropriate resolution of this matter and is in the best interest of the City.