



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

Date: January 9, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Claim of Cheryl Ann Olmos v. City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$25,000.00 payable to Cheryl Ann Olmos and her attorney, Dean M. Salita, from Fund/Org. 6900 150 1500 6800 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: C. Lynne Fundingsland, Assistant City Attorney Phone: 673-3339

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): 6900 150 1500 6800
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This matter arises out of a motor vehicle accident which occurred on July 20, 2004. Ms. Olmos, who was at that time employed by the City of Minneapolis as a Laborer, was stopped at a red light. Ms. Olmos was operating a City of Minneapolis truck. While stopped at the intersection, two vehicles collided because one of them had run a red light. Both vehicles then hit the left side of Ms. Olmos' truck. The impact pushed Ms. Olmos to the passenger side of the truck and she was knocked unconscious for a brief period of time.

Ms. Olmos was transported from the scene by ambulance to Hennepin County Medical Center's Emergency Room. As a result of this accident, Ms. Olmos injured both of her shoulders, left hip and back, and fractured

her pelvis on the left side. Ms. Olmos has continuing medical issues as a result of this accident, and has incurred wage loss. She is now restricted to light duty work and cannot return to her position as Laborer. As a result of this accident, Ms. Olmos has incurred approximately \$75,000.00 in medical bills, as well as the wage loss and future wage loss for not being able to return to her prior position.

Ms. Olmos has settled with the tortfeasor's insurance company, Western National, to the limits of its policy which was \$100,000.00. However, because of the amount of damages incurred by Ms. Olmos, she has filed a claim against the City for \$25,000.00 for underinsured motorist coverage.

In reviewing this matter, and discussing it with Ms. Olmos' attorney, I believe this case is worth significantly more than the \$25,000.00. Because Ms. Olmos was not at fault in this accident, I recommend settlement of this matter in the amount of \$25,000.00 which will represent a full and complete settlement and release of Ms. Olmos' claims against the City of Minneapolis.