



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

Date: October 20, 2005
To: Ways and Means Budget Committee
Referral to:

Subject: Cheryl Bryant v. City of Minneapolis, et al

Recommendation: That the Council approve settlement of this matter for the sum of \$8,000.00 payable to Cheryl Bryant and her attorney William Walker from Fund/Org. 6900 150 1500 6900 and authorize the City Attorney to execute any documents necessary to effectuate the settlement.

Previous Directives: None

Prepared by: Edward Backstrom Phone: 673-2072

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee:

<p>Financial Impact (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input type="checkbox"/> Other financial impact (Explain):</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p>Community Impact: None</p>
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Background/Supporting Information

This lawsuit arises from an accident between a City of Minneapolis van and pickup truck driven by Cheryl Bryant on July 8, 2003. Jeff Lundsten, a water department employee, had stopped the van in the southbound lane of Fremont intending to make a left turn onto 34th St. When he made the turn and the van struck the front of Ms Bryant's vehicle. He did not notice that she

was proceeding northbound on Fremont. Lundsten told the police at the scene that the accident was his fault. It is clear that the city is liable in this matter.

The next day Ms. Bryant went to Brooklyn Chiropractic for treatment. She did not go to a hospital or to a medical doctor at that time. She complained of pain in her left arm, right knee, and cervical, thoracic and lumbar spine. She also complained she had headaches as a result of the accident. According to her medical records she treated with the chiropractor regularly until 12-01-03. She saw him in July of 2004 for a re-examination, and was found to still be suffering from neck, back, knee, left arm pain and from headaches. She stated in her deposition that she went back to the chiropractor about a month ago because she had fallen down the stairs.

Plaintiff also treated at the Noran Clinic after the accident. An MRI was done on September 18, 2003. It found that she had a disc herniation, stenosis, and disc bulging at C6-7, C5-6 & C4-5. She was a passenger in a vehicle that was involved in another accident one month after the accident with Mr. Lundsten. After the last accident she stated her symptoms had not changed, but she did report some tingling down her arm, something not mentioned before in the medical records. She claims, however, that she had previously reported this symptom to her doctors.

Ms Bryant had sought prior treatment for back and neck pain. She reported to Noran and Park Nicollet doctors in 1995 that she had been having neck and back pain for 15 years. She had seen two chiropractors before 1995. The records for the earlier of the chiropractic treatment have been destroyed. The more recent chiropractic treatment was with Dr. Bergan, was for the flu and not for back and neck pain, according to Ms. Bryant.

Plaintiff's attorney wanted initially demanded \$18,000 to settle her claim. The plaintiff has now agreed to settle this matter for \$8,000.00. Settlement in this amount was approved by the City Attorney's office litigation committee.