



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

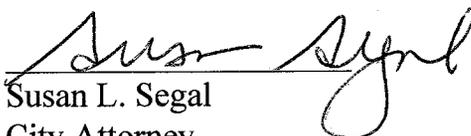
Date: March 18, 2008  
To: Ways & Means/Budget Committee

**Subject:** Anthony Bowie, Sheryl Bowie and Kenterrious Carroll v. City of Minneapolis

**Recommendation:** That the City Council approve the settlement of Anthony Bowie's No-Fault subrogation claim by payment of \$12,500.00 payable to State Auto Insurance Companies, from Fund/Org. 06900-1500100-145685(Public Works - Transportation) as well as the settlement of Kenterrious Carroll's No-Fault subrogation claim by payment of \$3,002.50 payable to State Auto Insurance Companies, from Fund/Org. 06900-1500100-145685(Public Works - Transportation) and authorize the City Attorney's Office to execute any documents necessary to effectuate these settlements.

**Previous Directives:** None

Prepared by: Thomas J. Miller Phone: (612) 673-2897

Approved by:   
Susan L. Segal  
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

**Financial Impact:(Check those that apply)**

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain): \$12,500.00 and \$3,002.50 from Fund/Org. 06900-1500100-145685
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Other

**Background/Supporting Information:**

This matter and subsequent claim arise out of a motor vehicle accident that occurred on March 10, 2005. At that time and place, Anthony Dewayne Bowie was southbound on 14<sup>th</sup> Avenue South at its intersection with East 41<sup>st</sup> Street. His son, Kenterrious Carroll, was riding in the vehicle as a front seat passenger. At that time, Minneapolis City employee Presley Taylor was operating a snowplow spreading sand due to icy conditions that day. Mr. Taylor was traveling in an eastbound direction on East 41<sup>st</sup> street and was unable to stop at a stop sign for his direction of travel when he reached the intersection with 14<sup>th</sup> Avenue South. As a result the Minneapolis snowplow struck the side of the Bowie vehicle. The Bowie vehicle was totaled as a result of the crash. Minneapolis Police Patrolman Tyra responded to the scene of the collision and in his report noted "failure to yield right of way and skidding" on the part of the City employee as the sole causes of the accident.

As a result of the crash, thirty-nine year old Anthony Bowie sustained a permanent right knee injury and underwent surgery on August 16, 2005. His medical expenses are in excess of \$31,000.00. His permanency is supported by his treating orthopaedic surgeon. He continues to have pain and limitation problems with his right knee post-surgery. Anthony Bowie also alleges continuing neck and back discomfort as well. The payment of \$20,000.00 of Mr. Bowie's no-fault medical expenses has been borne by State Auto Insurance Companies. The insurer now seeks repayment of these monies due to our uncontested liability for the accident and their statutory no-fault subrogation rights.

Nineteen year-old passenger Carroll alleges ongoing neck and back pain since the date of the accident. He has treated these injuries at both Fairview University Hospital on the date of the collision and with a chiropractor thereafter. Carroll's medical treatment totals \$3,511.87. The payment of Mr. Carroll's no-fault medical expenses have also been borne by State Auto Insurance Companies. The insurer also seeks repayment of these monies due to our uncontested liability for the accident and their statutory no-fault subrogation rights.

Following extensive negotiations we have reached a tentative full and final settlement of State Auto Insurance Companies no-fault subrogation claims against the City for the amounts of \$12,500.00 for Mr. Bowie and \$3,002.50 for Mr. Carroll. We believe that these settlement amounts are in the best interests of the City and recommend approval by this Committee.

TJM / 07-01910