



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

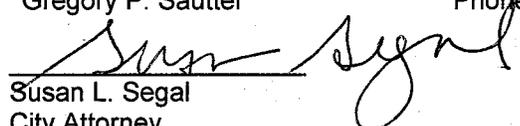
Date: January 7, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: *Donald P. Babic v. City of Minneapolis*
Court File No.: 27-CV-08-18280

Recommendation: That the City Council authorize settlement of the matter of *Donald P. Babic v. City of Minneapolis*, Court File No. 27-CV-08-18280, Hennepin County District Court, in the amount of \$45,000.00, payable to Donald P. Babic, and his attorney, William Jepsen, and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement from Fund/Org. 06900-1500100-145865

Previous Directives:

Prepared by: Gregory P. Sautter Phone: (612) 673-2683

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): Fund/Org 06900-1500100-145865
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): Build Community

Background/Supporting Information

On April 25, 2005, Donald P. Babic was at the Minneapolis Convention Center to attend his teenage daughter's volleyball tournament. At approximately 11:45 a.m. Babic was talking on his cell phone in the lobby outside Exhibit Hall A. The area was chaotic and crowded with groups of young volleyball players and their families wandering in every direction. At that time, a convention center employee pushed a cart of four or five tables across the lobby in front of Exhibit Hall A. The employee's view was obstructed by

the tables in the cart. Thus, the employee did not see Babic standing in the lobby, and, pushed the loaded cart into the back of Babic. As soon as the cart struck, Babic felt pain radiating from his back down his left leg. Babic stepped to an adjacent support pillar and sat down. Babic was taken to HCMC and treated for injuries to his lower back, left leg pain, and pain in his shoulder. Babic suffered back pain and went through extensive physical therapy over the next fifteen months. The evidence clearly shows that Babic was hit by the table cart from behind and that he suffered back, leg and ankle injuries from being struck. Babic brought claims alleging injuries to his leg, lower back, and psychological damage.

After extensive discovery and negotiations, in the presence of a private mediator, the parties have reached a tentative settlement in the amount of \$45,000.00. The City Attorney recommends this settlement as in the best interest of the City considering the likelihood of a negligence finding, and the risk of greater damages being found at trial. Jeff Johnson of the Convention Center participated in the negotiations and concurs in the recommendation.