



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

Date: November 9, 2005
To: Ways & Means/Budget Committee
Referral to:

Subject: Charles Williams v. Gary Alan Hyatt and City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$25,000.00 payable to Charles Williams and his attorney, James K. Daniels, from Fund/Org. 6900 150 1500 2800 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): Fund/Org. 6900 150 1500 2800
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

On January 28, 2004, a red Ford Fire Department van, driven by a Minneapolis city employee, collided with a vehicle, a 1988 Toyota Turcell, which was driven by the Plaintiff, Charles John Williams, at the intersection of the I94 off ramp and West Broadway Avenue in Minneapolis. While both vehicles were moving slowly just prior to the collision, the impact was clearly caused when the Plaintiff was struck in the rear by the fire vehicle. The fire department vehicle was traveling fast enough to generate damage to the front end of the fire van.

On January 31, 2004, Plaintiff went to North Memorial Health Care Center complaining of right shoulder pain up and toward his neck. He was treated there with pain killers and ice. Because the problem did not resolve, Plaintiff then was seen by Minneapolis Orthopedics. Plaintiff stated that he ended up jamming his left arm and had pain to the shoulder area and that he had felt intense pain and weakness ever since the accident. The treating doctor concluded that Plaintiff's injuries were a direct and proximate cause of the accident on January 28, 2004.

The Plaintiff tried a variety of treatment programs after consulting with Minneapolis Orthopedics. Finally, he underwent arthroscopic surgery to his left shoulder, which was determined to be reasonable and necessary as a result of the accident. The doctors have opined that his left shoulder injury is permanent and that he will have intermittent discomfort in this shoulder, and will have permanent lifting restrictions.

To date, Plaintiff has incurred medical bills in the range of \$29,000.00 to \$30,000.00. Assistant City Attorney C. Lynne Fundingsland and Plaintiff's attorney, James K. Daniels, have had discussions in an attempt to resolve this matter. At this time, we have reached a proposed negotiated settlement by which the City would pay to the Plaintiff and his attorney \$25,000.00 for full and complete settlement of this matter, including a release from all Plaintiff's insurance carriers on all subrogation claims. While the City has certain defenses to this action, it appears prudent to try to resolve the matter at this point, in that the Plaintiff's injuries are permanent and will likely require additional treatment.