



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

Date: December 12, 2003
To: Ways and Means/Budget Committee
Referral to:

Subject: Darryl Gearld v. City of Minneapolis

Recommendation: That the City Council approve settlement of this matter by the payment of \$25,000.00 to Darryl Gearld and his attorneys Dennis Atchison, Malone & Atchison, and Paul Thompson, Woods & Thompson, from Fund/Org 690 150 1500 4000.

Previous Directives:

Prepared by: Edward Backstrom, Assistant City Attorney Phone: 673-2072

PH Approved by: Jay M. Heffern
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 690 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This claim arises out of an automobile accident which occurred during a snowy day on January 4, 2002, at approximately 2:30 PM. Officer Dupre was in a squad car traveling northbound on Logan approaching the intersection at 15th Avenue North. The officer attempted to stop well before the intersection but the road was covered with glare ice. He could not stop and went through the stop sign and was struck by a vehicle driven by Michelle Gearld in which Darryl Gearld was a passenger. The Gearld vehicle did not have to stop at the intersection.

After the accident plaintiff was treated for neck, shoulder and back pain. Plaintiff previously had a work-related slap lesion injury that required surgery. He claims that the shoulder pain had improved but was not resolved by the time of this accident. His orthopedist, Dr. Jack Bert, determined that the accident again injured his shoulder. A MRI done after the accident showed plaintiff had received a new injury to his shoulder. In order to treat this he had surgery on October 29, 2002. His doctor has indicated that he may need steroid injections in his shoulder due to continuing symptoms. The doctor has stated that the accident has resulted in permanent injury. He is also claiming in \$1045.50 in lost wages.

Plaintiff's current attorney initially demanded \$65,000.00 to settle the case, coming down from the \$300,000.00 demanded by the first law firm that represented him, Woods and Thompson, which has served the City with notice of an Attorney's lien. Plaintiff has now agreed to settle the matter for \$25,000.00. This settlement has the approval of the City Attorney's Office litigation committee.