



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

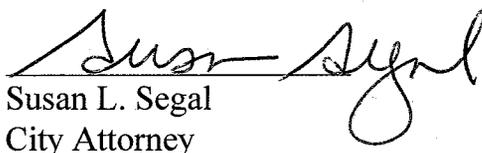
Date: March 18, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: Heather Jo Goff v. City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$19,900.00 payable to Progressive Northwestern Insurance Company, from Fund/Org. 06900-1500100-145675(Public Works - Equipment) and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

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): \$19,900.00 from Fund/Org. 06900-1500100-145675

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 April 23, 2007. At that time and place, Heather Jo Goff was proceeding eastbound on Interstate Highway 94 three miles west of 95th Avenue in Maple Grove operating her 2006 Ford Focus which was insured with Progressive Insurance. A city truck, operated by Paul Duane Jerdee, was also then proceeding eastbound on Interstate Highway 94. As traffic began to slow suddenly, City employee Jerdee was unable to avoid rear-ending the Goff vehicle, pushing it into a vehicle ahead. State Patrol Sergeant Brian L. Polansky responded to the scene of the collision and in his accident report noted "driver inattention/distraction and illegal/unsafe speed" on the part of the City employee as the sole causes of the accident.

As a result of the crash, twenty-four year-old Heather Jo Goff sustained injuries to her head, neck and back, and in excess of \$19,900.00 in treatment expenses. The payment of Ms. Goff's no-fault medical expenses have been borne by Progressive Insurance. The insurer now seeks repayment of these monies due to our uncontested liability for the accident and their statutory no-fault subrogation rights.

We believe that there are no defenses to this no-fault subrogation claim and that this settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 07-13704