



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

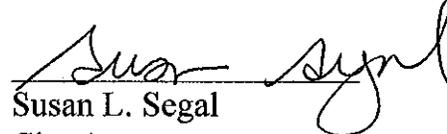
Date: December 3, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: Linda Sue Garvey v. City of Minneapolis
Court File No.:

Recommendation: That the City Council approve the settlement of this case by payment of \$50,000.00 payable to Linda Sue Garvey and her attorney, Daniel E. Meshbesh, and Minnesota Workers' Compensation Assigned Risk Plan from Fund/Org. 06900-1500100-145400 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: \$50,000.00 from Fund/Org. 06900-1500100-145400
 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 November 4, 2003. At that time and place, Officer Karl Olson of the Minneapolis Police Department was westbound on 1st Street in his city issued Ford Crown Victoria police cruiser. Officer Olson did not have his sirens or lights on. Officer Olson ran the red light at Hennepin and broadsided Ms. Garvey's vehicle. Minneapolis Police responded to the scene of the collision and in their report noted Driver Inattention/Distraction and Driver Inexperience on the part of Officer Olson as the sole causes of the accident.

As a result of the crash, forty-nine year-old Linda Sue Garvey sustained permanent jaw and teeth injuries as well as bruising along her chest, wrist, right shoulder and left knee. Treatment expenses for those injuries have exceeded \$22,659.23 to date. These expenses have included multiple oral surgeries.

At the time of the accident, Ms. Garvey was on the job as an assistant property manager for BDC management, insured by the Minnesota Workers' Compensation Assigned Risk Plan Administered by Berkley Risk Administrators("The Plan"). The Plan has paid \$22,659.23 in workers' compensation benefits for accident related medical bills to date.

Following extensive negotiations we have reached a tentative global settlement of Ms. Garvey and The Plan's bodily injury claims against the City in the amount of \$50,000.00. This proposed settlement has been discussed with the Police Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 05L-0550