



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

Date: November 18, 2007
To: Ways & Means/Budget Committee

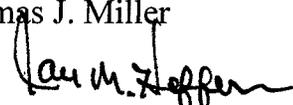
Subject: Victor H. Sanchez v. City of Minneapolis
Court File No.: 27-CV-07-4339

Recommendation: That the City Council approve the settlement of this case by payment of \$17,000.00 in workers' compensation subrogation payable to SFM Mutual Insurance and their attorneys, Cousineau McGuire, from Fund/Org. 6900 150 1500 6070 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: _____


Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, 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: Payment of \$17,000.00 from Fund/Org. 6900 150 1500 6070

Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This workers' compensation subrogation claim by SFM Mutual Insurance arises out of a pedestrian/motor vehicle accident that occurred on November 12, 2002. Pedestrian Victor H. Sanchez was crossing Aldrich Avenue North in a eastbound direction at or near its intersection with 9th Avenue North as part of his job duties with Lardini Drywall & Plastering. At that time, Minneapolis City employee Glenn Lawrence was backing a City owned pickup truck and struck Sanchez. Minneapolis Police Patrolman Illgen responded to the scene of the collision and in his report noted driver inattention/distraction on the part of the City employee as the sole cause of the accident.

As a result of the crash, nineteen year-old Sanchez sustained permanent injuries to his mid and low back. Sanchez also became unable to continue with physical labor employment due to his permanent lifting restrictions following this accident. Mr. Sanchez's workers' compensation insurer, SFM Mutual Insurance, has paid \$30,001.96 in medical benefits and \$88,881.22 in indemnity benefits for a total of \$118,883.18.

Following extensive negotiations we have reached a tentative settlement of SFM Mutual Insurance Company's workers' compensation subrogation claim against the City in the amount of \$17,000.00. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM/ 03L-0120