



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

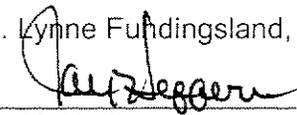
Date: October 25, 2004
To: Ways & Means/Budget Committee
Referral to:

Subject: Mary Margaretta Hill v. City of Minneapolis
Hennepin County District Court File No.: PI 03-021015

Recommendation: That the City Council approve the settlement of this case by payment of \$62,500.00 payable to Mary Margaretta Hill and her attorney, Jack Neveaux, from Fund/Org. 6900 150 1500 8650 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 8650
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

On February 11, 2001, the Plaintiff, Mary Hill, was attending the Home and Garden show at the Minneapolis Convention Center. Plaintiff was walking along the sidewalk into the Convention Center accompanied by a friend when she encountered a patch of ice, slipped, and fell. Plaintiff was then accompanied into the Convention Center by her friend and two unknown passersby. Once inside the Convention Center, Ms. Hill was seen by an EMT on duty at the time. An unidentified person at the Convention Center called an ambulance to transport the Plaintiff to Abbott Northwestern Hospital.

The Plaintiff was treated on February 11, 2001, for injuries related to her fall. Since that date, Plaintiff has continually sought medical treatment for injuries she claims were sustained from her fall in front of the Convention Center. The Plaintiff tried many various therapies to alleviate the symptoms without achieving a permanent result. Ultimately, approximately eighteen months after the incident, Plaintiff had spinal fusion surgery.

Plaintiff brought suit in Hennepin County District Court alleging negligence on the part of the City in the design, construction and maintenance of the sidewalk located near the entrance to the Convention Center. The Minneapolis Convention Center has no record of this accident taking place. Further, the Convention Center has no records regarding snow and ice removal on or around the date of Plaintiff's fall. The only witnesses to the accident are Plaintiff and her friend. The temperature that day 28° and the skies were clear. A claim form was faxed to Plaintiff from the Convention Center from a person identified only as "Mary" on Convention Center letterhead. No Convention Center employee can recall faxing a claim form to Plaintiff. However, the fact that the Convention Center faxed Plaintiff the form probably means the City was on notice that the accident occurred.

Plaintiff's insurance company has asserted a subrogation claim in the amount of \$39,984.62. Plaintiff claims her quality of life is drastically reduced by her injury and the subsequent spinal fusion. While Plaintiff did have prior medical conditions on the date of the accident, records indicate she had greatly improved before the accident.

Plaintiff is a very credible, 50 year old school teacher. Because of the seriousness of the injury and the lack of defenses a jury could very likely find the City liable and award significant damages. Therefore, we reached a proposed settlement with Plaintiff, whereby the City would pay \$62,500.00 for full and complete settlement of this case, including attorneys fees. The Plaintiff will be responsible for the subrogation claim from her insurance company.