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January 25, 2023

To the Honorable Common Council
of the City of Milwaukee
Room 205 – City Hall

RE: Michelle Holman v. City of Milwaukee, 22CV000235
Cover letter for Resolution # 221503

Dear Council Members:

This is a supplemental communication regarding the above mentioned case.

On September 18, 2019, Jay Bach, Urban Forestry Specialist, was the operator of a City pick-up truck, when he found a stray DPW sign and placed it in the open bed of this truck without securing it or laying it down. Bach then began traveling southbound on Interstate 43 and the sign flew out of the bed of his truck and landed on the freeway.

Plaintiff, Michelle L. Holman, encountered the sign in her own vehicle and according to her expert, the sign became wedged under the wheel well of Plaintiff's vehicle causing her vehicle to strike a concrete barrier and further causing Plaintiff severe injuries and other damages. Plaintiff's claimed damages total \$1,705,000.57.

Plaintiff filed suit in the Milwaukee County Circuit Court upon a theory of negligent operation of a motor vehicle which carries a \$250,000.00 statutory cap on damages. The Defendant would be liable for that portion of the Plaintiff's damages that could be attributed to his negligence, if any. Any liability would likely be imputed to the City by the doctrine of *respondeat superior* and by the operation of the government employee indemnification statute. See Wis. Stat. § 895.46(1).



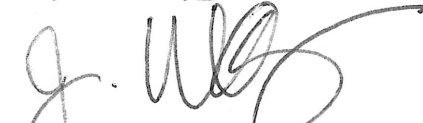
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The parties engaged in extensive discovery and then in mediation, where Plaintiff agreed to settle all claims, including attorney's fees and costs, for \$170,000.00. At this time, due to the relative positions of the parties, the uncertainty of trial, and the potential of incurring liability and costs in excess of \$250,000.00, we recommend settlement of this claim in the amount of \$170,000.00, and have enclosed an appropriate resolution.

Very truly yours,



TEARMAN SPENCER
City Attorney



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Deputy City Attorney

JLW/cdr

Enclosure

1030-2019-2421/283307