

November 21, 2003

To the Honorable Common Council of the City of Milwaukee
Room 205, City Hall
200 East Wells Street
Milwaukee, WI 53202

Re: (Resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Theresa Kent for payments made pursuant to the City's Basic Health Plan.)

Dear Council Members:

Enclosed please find a resolution authorizing the release of a subrogation claim against Theresa Kent in exchange for a settlement payment of \$2,000.00.

Ms. Kent filed a personal injury lawsuit for injuries suffered when an automobile struck her vehicle on November 4, 1999. The City has a claim against her for medical payments under the City's Basic Health Plan in a total amount of \$7,362.44.

As noted in the enclosed letter from counsel for WPS, the claims administrator for the Basic Health Plan, the plaintiff settled for \$40,000.00 in mediation. Due to the amount and nature of medical and special damages claimed, WPS advises that it is unlikely that a court would find that the settlement makes the plaintiff whole for her losses, and that in such circumstances the City faces the risk of no recovery in this matter.

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Under these circumstances, WPS has recommended authorization to accept the amount of \$2,00.00 in settlement of the City's claim. We recommend adoption of this resolution.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ELLEN H. TANGEN
Assistant City Attorney

Enclosures

cc: Michael Tobin (w/encl)
Mark Colbert, WPS (w/encl)

EHT: eht

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