

TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
S. TODD FARRIS
JENNIFER L. WILLIAMS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEXANDER T. MUELLER
ALEXANDER D. COSSI
LISA A. GILMORE
TAVISS K. SMITH
KATHERINE A. HEADLEY
L. ANTHONY JACKSON
STACY J. MILLER
MICHAEL C. RADAVIDICH
JORDAN M. SCHETTLE
THERESA A. MONTAG
NANCY A. DOMINSKI
ALEXANDER E. FOUNDOS
JAMES D. LEWIS
TRAVIS J. GRESHAM
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
Assistant City Attorneys

May 25, 2023

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

RE: Resolution Authorizing Settlement in the lawsuit entitled
Christine M. Zorn; James Zorn, et al. v. City of Milwaukee, et al.
Case No.: 22-CV-003302
C.I. File No. 1030-2022-619

Dear Council Members:

Enclosed please find a proposed resolution to approve a settlement for \$85,000 to settle the claims raised by Christine M. Zorn and James Zorn in the lawsuit *Christine M. Zorn; James Zorn, et al. v. City of Milwaukee, et al.*, Milwaukee County Circuit Court Case Number 22-cv-003302, as well as a fiscal impact statement.

On May 23, 2022 a complaint was filed with the Milwaukee County Circuit Court case number 22-cv-00302, against the City of Milwaukee, Department of Public Works and Walter Cater, Sr., bringing forth a negligence cause of action.

This case stems from a motor vehicle collision which took place on November 1, 2019, when a DPW dump truck with a leave sweeper attached, driven by defendant Walter Carter Sr., backed into a car, driven by the plaintiff, Christine Zorn. MPD Officer Brian Lewandowski arrived on scene to complete the traffic collision report. He concluded that the defendant contributed to the crash due to unsafe backing.

Ms. Zorn alleged negligence as to speed, lookout, and management and control of our employee's vehicle, causing her to sustain injuries and damages, including pain, suffering, disability, humiliation, embarrassment, worry and mental distress, and loss of enjoyment of life, and economic damages, including medical expenses, and "other compensable injuries." Her total billed medical charges were over \$69,000. In addition, she claimed over \$243,000 in future medical damages.



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Former ACA Chris Jackson successfully negotiated and obtained a settlement in the amount of \$85,000.

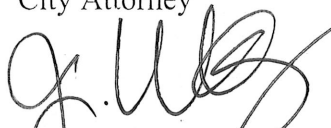
Based on the status of these claims, it is the City Attorney's recommendation that the proposed settlement is in the City's best interest. In exchange for the settlement, Mrs. and Mr. Zorn will execute a settlement agreement and general release of all claims arising out of his lawsuit.

This matter was previously heard and approved of in closed session by the Judiciary and Legislative Committee. We request that this matter be assigned for a hearing in closed session before the Finance and Personnel Committee to be followed by an open session in order to take action.

Very truly yours,



TEARMAN SPENCER
City Attorney



JENNIFER WILLIAMS
Assistant City Attorney

TS/JW/cdr

Enclosures

1030-2022-619/285451