

# CITY OF MILWAUKEE

Form CA-43

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October 1, 2003

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

Re: CCFN 030761 (Resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Juan D. Velez, Jr. 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 Juan D. Velez, Jr. in exchange for a settlement payment of 2,670.77.

Mr. Velez filed a personal injury lawsuit for injuries suffered when an automobile struck him. The City has a claim against him for medical payments under the City's Basic Health Plan in a total amount of \$5,341.54.

As noted in the enclosed letter from counsel for WPS, the claims administrator for the Basic Health Plan, Mr. Velez accepted a significant discount because of pre-existing problems. The independent medical examiner indicated Mr. Velez had a history of past recurrent lumbar muscle strains. The independent medical examiner also indicated no medical rationale or foundation for Mr. Velez to have received either in combination or alone, chiropractic/physical therapy beyond a period of several weeks to a couple of months, maximally, for neck and back strains which should have improved with the

passage of time regardless of medical intervention. These pre-existing injuries call into question whether the accident was the sole cause of the plaintiff's back problems.

Under these circumstances, WPS has recommended authorization to accept the amount of \$2,670.77 in settlement of the City's claim. We recommend adoption of this resolution.

Very truly yours,



GRANT E. 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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