

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

Re: CCFN 010761
Kari Kirchgessner v. Scott Stevenson, et al.

Dear Council Members:

Enclosed please find a resolution authorizing the release of a subrogation lien against Kari Kirchgessner in exchange for a settlement payment of \$2,866.00. Ms. Kirchgessner sued Scott Stevenson for injuries suffered in an automobile collision on March 28, 1997. The City has a claim against Ms. Kirchgessner for medical payments made on her behalf under the City's Basic Health Plan. This matter proceeded to a mediation before Attorney Marvin Resnick. The mediator found that Ms. Kirchgessner to between 10% and 15% contributorily negligent in causing the auto accident, and found that a significant number of her temporo-mandibular joint injuries were not related to the auto accident.

Ms. Kirchgessner has offered to pay the City \$2,866.00 in exchange for a release of its subrogation claim against her. In light of the issues as to liability and cause, and because of the possibility that a court would find that the City was entitled to no recovery because the \$35,000 settlement obtained by Ms. Kirchgessner did not make her whole for her injuries, we recommend adoption of this resolution.

Very truly yours,

Grant F. Langley
City Attorney

Ellen H. Tangen

The Honorable Common Council

--

September 28, 2001

Assistant City Attorney

Enclosure

cc: Michael Tobin (w/encl)