

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND

Assistant City Attorneys

April 29, 2003

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

Re: CCFN 030087 (Resolution authorizing cancellation of the City of Milwaukee's subrogation claim against Dennis J. Murphy 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 Dennis J. Murphy in exchange for a settlement payment of \$10,000.00.

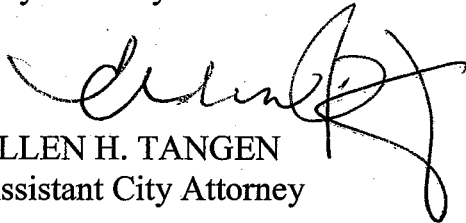
Mr. Murphy filed a personal injury lawsuit for injuries suffered in an automobile collision, which occurred on June 13, 2001. The City has a claim against him for medical payments under the City's Basic Health Plan in a total amount of \$24,942.00.

As noted in the enclosed letter from counsel for WPS, the claims administrator for the Basic Health Plan, recovery of the full amount of the City's claim would require proof that all monies paid were for the purpose of treatment related to the automobile accident. There is evidence that Mr. Murphy had prior shoulder injuries and that he strained a muscle in his right shoulder while exercising a short time before the accident. The City's claim for services is in the amount of \$24,942.00. Under these circumstances, Mr. Murphy has offered \$10,000.00 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
66444