

May 22, 2002

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

Re: CCFN 020208
Julie A. Clarke, et al. v. American Family Insurance, et al.

Dear Council Members:

Enclosed please find a resolution authorizing the release of a subrogation lien against Julie Clarke in exchange for a settlement payment of \$4,019.26. Ms. Clarke commenced a lawsuit to recover for injuries suffered in an automobile collision which occurred on August 29, 1998. The City has a claim against her for medical payments under the City's Basic Health Plan.

At a mediation in this matter, the mediator questioned whether medical claims beyond December 1998 were related to the accident, or were related to a pre-existing degenerative condition. Ms. Clarke had a nine-month break in treatment from December of 1998 until September of 1999, which suggested that these later claims were unrelated to the accident.

American Family Insurance has offered Ms. Clarke a settlement of \$25,000, which includes medical bills of approximately \$6,000 through December of 1998, lost wages through December of 1998 of approximately \$4,000, and a pain and suffering award of \$15,000.

The original calculation of the amount of the City's lien in this matter was \$8,038.52. If the City's subrogation lien is calculated to include only medical claims paid through December of 1998, the amount of the lien is \$4,140.95. The plaintiff has offered \$4,019.26 in settlement. Based on the evidence presented at the mediation that the plaintiff's medical claims after December of 1998 were not related to the accident at issue, we recommend adoption of this resolution.

Very truly yours,

Grant F. Langley
City Attorney

Ellen H. Tangen
Assistant City Attorney

Enclosure

cc: Michael Tobin (w/encl)

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