

LRB-FISCAL REVIEW SECTION ANALYSIS

**JUDICIARY AND LEGISLATION COMMITTEE
OCTOBER 27, 2003**

**ITEM 10, FILE # 030877
MARK A. RAMION**

File # 030877 is a resolution authorizing payment of the verdict in the lawsuit entitled Emma J. Adair, plaintiff, State of Wisconsin Department of Health and Family Services, Division of Health Care Financing, subrogated plaintiff v. City of Milwaukee, defendant, Case No.02-CV-008083.

Background

This resolution authorizes settlement of the lawsuit entitled Emma Adair, et al. v. City of Milwaukee in the amount of \$46,199.49.

Discussion

1. This lawsuit stems from an incident in which the plaintiff sought damages from the City of Milwaukee as a result of an incident that occurred on January 26, 2001. The plaintiff sustained serious injuries after tripping on an uneven portion of a sidewalk.
2. A jury found that the city was 65% responsible for the injuries that were sustained.
3. The amount of this award represents 65% of the damages as well as interest and attorney's fees of \$1,886.24.

Fiscal Impact

1. The total amount of this resolution is \$46,199.49 to be expended from the 2003 Damages and Claims Special Purpose Account.
2. The 2003 Damages and Claims SPA is budgeted for \$2.4 million. The current balance of this SPA, before approval of this claim, is approximately \$344,000 (86% expended). This claim, when approved with File # 030881, will deplete the 2003 Damages and Claims SPA as budgeted for 2003.

Further Information

The City Attorney has requested, in File # 030880, that \$550,000 be reserved in the 2003 Common Council Contingent Fund for the purpose of supplementing the 2003 Damages and Claims SPA for the remainder of 2003. File # 030880 is to be considered at the October 28, 2003 Finance and Personnel Committee meeting.

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LRB-Fiscal Review Section
October 24, 2003

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