

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 030762 (Resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Bruce Duszynski for payments made pursuant to the City's Basic Health Plan.)

Dear Council Members:

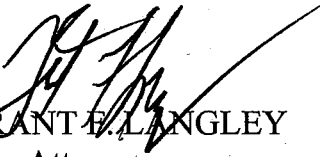
Enclosed please find a resolution authorizing the release of a subrogation claim against Bruce Duszynski in exchange for a settlement payment of \$5,000.00.

Mr. Duszynski filed a personal injury lawsuit for injuries suffered when an automobile rear-ended him on December 15, 1999. The City has a claim against him for medical payments under the City's Basic Health Plan in a total amount of \$15,523.17.

As noted in the enclosed letter from counsel for WPS, the claims administrator for the Basic Health Plan, there are questions as to when Mr. Duszynski actually reached a healing plateau regarding this accident. There appears to be "new incidents" requiring subsequent medical treatment. Mr. Duszynski has also had previous fusion surgery on his neck following a fall in 1986, which lead to his total disability as a police officer.

Under these circumstances, WPS has recommended authorization to accept the amount of \$5,000.00 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
1049-2003-3078