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Title: Substitute resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Debra Bett for payments made pursuant to the City's Basic Health Plan.

Sponsors: THE CHAIR

Indexes: CLAIMS CANCELLATION

Attachments: 1. City Atty Cover Letter.PDF, 2. Sub 1 Cover Letter.PDF, 3. Atty. Laufenberg Letter.PDF, 4. Bett Medical Report.PDF, 5. Fiscal Note.PDF

Date	Ver.	Action By	Action	Result	Tally
9/23/2003	0	COMMON COUNCIL	ASSIGNED TO		
9/26/2003	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
9/26/2003	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/3/2003	1	CITY CLERK	DRAFT SUBMITTED		
10/6/2003	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/14/2003	1	COMMON COUNCIL	ADOPTED	Pass	16:0
10/23/2003	1	MAYOR	SIGNED		

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SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Debra Bett for payments made pursuant to the City's Basic Health Plan.

This resolution authorizes the settlement of a subrogation lien arising under the City's Basic Health Plan in the lawsuit entitled Debra Bett v. Judith A. Sdoukos, et al., Dane County Case No. 02-CV-1938.

Whereas, The above-captioned case concerns a personal injury action, Dane County Case No. 02-CV-1938, seeking compensation for injuries sustained by plaintiff Debra Bett in an automobile collision occurring on May 7, 2000; and

Whereas, As a result of injuries sustained as a result of that accident, the City of Milwaukee has made payments on behalf of Debra Bett for treatment of such injuries pursuant to its Basic Health Plan in the amount of \$4,839.82; and

Whereas, The City of Milwaukee has a subrogation claim against Debra Bett as a result of such

payments; and

Whereas, Allstate has tendered its policy limit of \$25,000 to Debra Bett in settlement of her claim against Judith A. Sdoukos; and

Whereas, Ms. Bett's special damages total \$16,001.11 and her past and future pain, suffering and disability, when combined with the past special damages, clearly makes the Allstate Policy limits inadequate to fully compensate Ms. Bett, and it is unlikely that a court would find that Ms. Bett was made whole by this settlement; and

Whereas, Under these circumstances, the release of the City of Milwaukee's subrogation claim reflects the legal liability of the parties and is a fair and equitable resolution of the City of Milwaukee's subrogation claim;

Whereas, The Common Council wishes to cancel this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an authorized representative of Wisconsin Physicians Service Insurance Corporation, the claims administrator for the Basic Health Plan, be and hereby is authorized and directed, on behalf of the City, to cancel and release the City's subrogation claim against Debra Bett from Allstate Insurance Company and to execute any necessary stipulations and releases to effectuate this settlement.

City Attorney
EHT:eht
October 1, 2003

1088-2002-359: 72685