



Legislation Text

File #: 060125, **Version:** 1

060125
Substitute 1

THE CHAIR

Substitute resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Jean M. Bonneville 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 Jean M. Bonneville, et al. v. WPS Health Insurance, et al., Milwaukee County Case No. 04-CV-010331.

Whereas, The above-captioned case concerns a personal injury action, Milwaukee County Case No. 04-CV-010331, seeking compensation for injuries sustained by plaintiff Jean M. Bonneville in an automobile collision occurring on December 29, 2001; and

Whereas, The City of Milwaukee has made payments on behalf of Jean M. Bonneville for treatment pursuant to its Basic Health Plan in the amount of \$57,370.32; and

Whereas, There is a genuine dispute of fact as to whether the payments made were in any way related to injuries sustained in the accident; and

Whereas, The City of Milwaukee has a subrogation claim against Jean M. Bonneville as a result of such payments; and

Whereas, the defendant's insurer has tendered the amount of \$30,000 to Jean M. Bonneville in settlement of her claim; and

Whereas, Wisconsin Physicians Service Insurance Corporation (WPS), the claims administrator for the Basic Plan at the time the medical payments were made, recommends acceptance of the amount of \$2,500.00 in satisfaction of the City's claim; 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; and

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 Jean M. Bonneville in exchange for the payment of \$2,500.00, as provided pursuant to the terms of the administrative services agreement between the City and WPS in effect at

the time the medical claims were incurred, and to execute any necessary stipulations and releases to effectuate this settlement.

City Attorney
EHT:eht
May 11, 2006

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