



Legislation Text

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081140
ORIGINAL

The Chair

Resolution authorizing cancellation of the City of Milwaukee's subrogation claim against David Stephens for medical services under the Basic Health Plan.

This resolution authorizes the settlement of a subrogation claim arising under the City's Basic Health Plan against David Stephens in connection with settlement of a personal injury claim.

Resolution

Whereas, David Stephens has entered into a settlement agreement with respect to claims against Clyde Babcock, Progressive Insurance and American Family Insurance with respect to personal injuries suffered in an accident on December 1, 2007; and

Whereas, The City of Milwaukee has made payments on behalf of David Stephens for medical treatment and services related to the December 1, 2007 accident pursuant to its Basic Health Plan in the amount of \$89,420.08; and

Whereas, The City of Milwaukee has a subrogation claim against David Stephens as a result of such payments; and

Whereas, The two insurance carriers involved have offered and exhausted the limits of their respective policies for underinsured and liability coverage and any recovery on the City's claim is unlikely; and

Whereas, Cancellation and 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 the City Attorney be and hereby is authorized and directed, on behalf of the City, to cancel and release the City's subrogation claim against David Stephens in the amount of \$89,420.08, and to execute and deliver any necessary stipulations and releases to effectuate this release.

City Attorney
City Attorney

