



Legislation Text

File #: 061563, **Version:** 1

061563
SUBSTITUTE 1

The Chair

A substitute resolution authorizing cancellation of the City of Milwaukee's subrogation claim against Edward Raspor 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 in the lawsuit Edward Raspor et al. v. Waukesha Springs Health and Rehabilitation Center, et al., Waukesha County Case No. 04-CV-2344.

Whereas, There is currently pending a negligence action, Edward Raspor et al. v. Waukesha Springs Health and Rehabilitation Center, et al., Waukesha County Case No. 04-CV-2344, in which the estate of Edward Raspor seeks compensation for injuries sustained as a result of alleged negligence on the part of the defendant during an admission occurring in 2002; and

Whereas, The City of Milwaukee has made payments on behalf of Edward Raspor for medical treatment and services pursuant to its Basic Health Plan in the amount of \$203,316.45; and

Whereas, The City of Milwaukee has a subrogation claim in the litigation as a result of such payments; and

Whereas, The defendant has gone out of business and there are no assets available to settle this claim; and

Whereas, Plaintiff's counsel has offered the City the amount of \$7,338.03 in settlement of its subrogation claim out of a total settlement amount of \$22,500.00 in the entire case; and

Whereas, Wisconsin Physicians Service Insurance Corporation (WPS), the claims administrator for the Basic Plan at the time the medical payments were made, advises that it is unlikely that a court would award the City any recovery on its subrogation claim; and

Whereas, Under these circumstances, the cancellation 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 accept the settlement offer of

\$7,338.03 and cancel and release the City's subrogation claim against Edward Raspor in the amount of \$206,316.45, 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
City Attorney

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