



## Legislation Text

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**File #: 060779, Version: 1**

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060779  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution authorizing cancellation of the City of Milwaukee's subrogation claim against Annie Alford for payments made pursuant to the City's Basic Health Plan.

This resolution authorizes the settlement of a subrogation claim arising under the City's Basic Health Plan in the lawsuit Richard and Annie Alford v. Windsor Insurance Company, et al., Milwaukee County Case No. 05-CV-006481.

### Resolution

Whereas, There is currently pending a personal injury action, Richard and Annie Alford v. Windsor Insurance Company, et al., Milwaukee County Case No. 05-CV-006481, in which Annie Alford seeks compensation for injuries sustained by her in an automobile accident which occurred on August 9, 2002; and

Whereas, The City of Milwaukee has made payments on behalf of Annie Alford for treatment pursuant to its Basic Health Plan in the amount of \$31,806.14; and

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

Whereas, The defendant's insurer has offered its policy limits of \$50,000 in settlement of Annie Alford's claim; 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 Annie Alford intends to accept this settlement, and 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 cancel and release the City's subrogation claim against Annie Alford in the amount of \$31,806.14, 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  
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September 25, 2006

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