



Legislation Text

File #: 060650, **Version:** 0

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THE CHAIR

Resolution authorizing settlement and cancellation of the City of Milwaukee's subrogation claim against Jennifer Oettinger 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 Jennifer Oettinger v. Taco Bell Corp., in the U.S. District Court for the Northern District of Illinois, Case No. 04C4275.

Whereas, The above-captioned case concerns a personal injury action, Jennifer Oettinger v. Taco Bell Corp., before the U.S. District Court for the Northern District of Illinois, Case No. 04C4275, seeking compensation for injuries sustained by plaintiff Jennifer Oettinger in an accident occurring on June 27, 2002; and

Whereas, The City of Milwaukee has made payments on behalf of Jennifer Oettinger for treatment pursuant to its Basic Health Plan in the amount of \$16,492.75; and

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

Whereas, The defendant's insurer has offered the amount of \$10,727.69 in settlement of the City'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, recommends acceptance of the 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; 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 Jennifer Oettinger in exchange for the payment of \$10,727.69, 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
August 29, 2006

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