



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Legislation Text

File #: 000705, **Version:** 1

000705-1
SUBSTITUTE 1
THE CHAIR

Substitute resolution authorizing cancellation of a portion of the City of Milwaukee's subrogation claim against Gary Marks, for payments made pursuant to the City's Basic Health Plan.

This resolution authorizes cancellation of a portion of the City of Milwaukee's subrogation claim against Gary Marks, for payments made pursuant to the City's Basic Health Plan.

Whereas, Gary Marks commenced a medical malpractice action against Aurora Health Metro, Inc., St. Luke's Medical Center, Dr. Jeffrey A. Derus, certain nurses, and certain insurers thereof, and the Wisconsin Patients Compensation Fund, seeking recovery for injuries sustained as the result of medical malpractice allegedly occurring on November 4 and 5, 1996; and

Whereas, As a result of the injuries allegedly sustained as a result of that alleged malpractice, the City of Milwaukee has made payments on behalf of Gary Marks for medical care and treatment pursuant to its Basic Health Plan in the amount of \$68,109.05; and

Whereas, The City has a subrogation claim against Gary Marks as a result of such payments; and

Whereas, Gary Marks has offered to settle this subrogation claim for \$2,000.00, and the difference between the original claim and the settlement is \$66,109.05; and

Whereas, This settlement reflects the legal liability of the parties and is a fair and equitable resolution of the City of Milwaukee's subrogation claim; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee that the subrogation claim of the City of Milwaukee against Gary Marks arising out of medical treatment for injuries allegedly sustained as the result of medical malpractice occurring on November 4 and 5, 1996 is hereby cancelled in the amount of \$66,109.05, and the City Attorney is authorized and directed to enter into a release and settlement of said claim.

City Atty.
EHT
9/11/00
33057