



Legislation Text

File #: 081656, **Version:** 1

081656
SUBSTITUTE 1

The Chair

Substitute resolution authorizing Settlement and Cancellation of a Claim Against Barbara Busalacchi under the City's Basic Health Plan.

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

Whereas, Barbara Busalacchi has entered into a settlement agreement with respect to claims against Rudolf Heinrich, Progressive Classic Insurance Company and State Farm Automobile Insurance Company with respect to personal injuries suffered in an accident in 2005; and

Whereas, The City of Milwaukee has made payments on behalf of Barbara Busalacchi for medical treatment and services related to the accident pursuant to its Basic Health Plan in the amount of \$15,089.62; and

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

Whereas, There is a significant evidentiary issue as to whether the injuries at issue were caused by the accident or were the result of a pre-existing condition; and

Whereas, Barbara Busalacchi has offered the City the amount of \$7,500.00 in settlement of this claim; and

Whereas, This settlement amount fairly 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 authorize settlement and release of this claim for payment of the amount of \$7,500.00; 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 Barbara Busalacchi in the amount of \$15,089.62 in exchange for payment by Barbara Busalacchi in the amount of \$7,500.00, and to execute and deliver any necessary stipulations and releases to effectuate this settlement.

City Attorney
City Attorney

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