

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: April 19, 2018

TO: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors

FROM: Dale R. Nikolay, Assistant Corporation Counsel

SUBJECT: *Lindsay Barwick, et al. v. Wisconsin County Mutual Insurance Corporation, et al.*  
Milwaukee County Case No. 2017CV006206

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle the claims of plaintiff Lindsay Barwick (“Ms. Barwick”) for the total sum of \$9,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation. Please note that Ms. Barwick’s attorney’s fees and costs are included in this \$9,000.00 total amount.

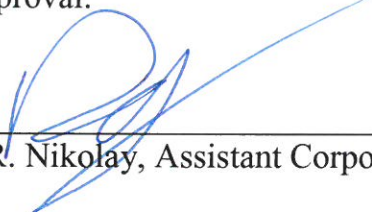
This is a personal injury claim resulting from an incident that occurred on August 25, 2016 on a freeway off-ramp on eastbound Interstate 94 at S. 13<sup>th</sup> Street and College Avenue in Oak Creek, Wisconsin. Ms. Barwick was operating her vehicle at that intersection when she was struck by a deputy sheriff, who ran a red light. The deputy was cited for failure to observe a traffic signal by the Oak Creek Police Department.

As a result of this accident, Ms. Barwick incurred medical expenses of \$4,054.78 and a wage loss of \$177.24. She missed 2 days of work. She went to urgent care on the day of the accident (8/25/16) and followed up with her physician on 9/21/16. He ordered an MRI, prescribed medication, and prescribed a course of physical therapy. She underwent physical therapy from 9/22/16 through 10/13/16. In follow-up with her physician, she reported improvement but lingering neck pain with radiation. She underwent MRI on 3/11/17 which showed no new injury from the MVA. Her physician released her on 4/3/17. She reported “substantially improved” symptoms. He found no permanent disability.

The main issue at trial would be the amount of money to reasonably compensate Ms. Barwick for the injuries she suffered as a result of the failure of the deputy to stop at the red signal, thereby causing the accident.

This proposed settlement resulted from a mediation between the parties on March 12, 2018. Final Pre-Trial in this matter is scheduled to commence April 4, 2018. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay Ms. Barwick and her attorneys \$9,000.00. In return, Ms. Barwick will dismiss her suit and provide the County with a full and complete release from any liability. The County has already exceeded the deductible with the County Mutual for the 2016 policy year.

Corporation Counsel and the Wisconsin County Mutual recommend this settlement for approval.



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Dale R. Nikolay, Assistant Corporation Counsel

cc: Kelly Bablitch  
Allyson Smith  
Erica Hayden  
Raisa Koltun