

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: March 25, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: James M. Carroll, Principal Assistant Corporation Counsel

SUBJECT: *Carnell Pearson, et al. v. Milwaukee County, et al.*
Milwaukee County Case No. 2012CV003542

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 Carnell Pearson ("Pearson") for the total sum of \$10,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation. Please note that Pearson's attorney's fees and costs will be deducted from this \$10,000.00 total amount.

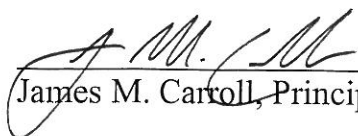
This case involves a personal injury claim resulting from an incident that occurred on December 1, 2008 on State Highway 49 in Dodge County, Wisconsin. Pearson was an inmate being transported by Milwaukee County van from the Milwaukee County Jail to Dodge Correctional Institution. The van driver, a Milwaukee County Sheriff's Deputy, lost control of the van on the snowy and icy road surface, causing the vehicle to slide off the road and into a ditch, where it flipped onto its driver's side.

As a result of the van roll-over, Pearson claims ongoing and permanent back and leg injuries. He claims \$5,000.00 to \$10,000.00 in medical specials attributable to this accident, though the precise figure is difficult to substantiate because he was treated exclusively in the corrections setting. He also claims continuing pain, for which he has sought treatment, and accompanying limitations on his daily activities. Because this was a one vehicle accident, Milwaukee County really has no defense to the liability aspect of the case. The only issue for trial is the extent of Pearson's damages.

This proposed settlement resulted from a court-ordered mediation held on February 26, 2014. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay Mr. Pearson and his attorneys \$10,000.00. In return, Mr. Pearson will dismiss his suit and provide the County with a full and

complete release from any liability. The payment will be applied to the County's deductible with the County Mutual.

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


James M. Carroll, Principal Assistant Corporation Counsel

cc: Amber Moreen
Kelly Bablitch
Alexis Gassenhuber
Raisa Koltun
Jessica Janz-McKnight