

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: August 15, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Mark A. Grady, Acting Corporation Counsel *MAG*

SUBJECT: *Rouse v. Milwaukee County et al.*  
Milwaukee County Case No. 12-CV-11466

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority for Milwaukee County to settle this case for the amount of \$14,000. The defense of this case was handled by outside counsel with Emile Banks & Associates through the Wisconsin County Mutual. Settlement is recommended by both their office and ours.

This case involves a motor vehicle accident that occurred on November 05, 2009 around 1:15 pm while both vehicles were traveling westbound on West Brown Deer Road near 95<sup>th</sup> Street. Mr. Rouse, the plaintiff, was driving a dump truck in front of the county dump truck. Rouse slowed as he approached the yellow light. The county truck driver was looking around to see if there were any potholes or areas that required patching with asphalt. The county driver looked up to see that traffic was stopping in front of him and was unable to stop before rear-ending Rouse's truck.

Prior to the accident, Rouse had injured his neck and had surgery in 2004, but continued to have some neck pain. After the accident, Rouse complained that his neck pain increased for several months. Due to this history, he underwent an extensive diagnostic work-up in the emergency room. He also received several weeks of physical therapy. His claimed medical expenses total \$7099.34:

Emergency Medical Associates:	\$368.00
Radiology Waukesha, S.C.:	\$271.00
Waukesha Memorial Hospital:	\$6100.34
Fehr, Steven, MD:	\$360.00

Initially, Rouse also claimed a significant wage loss while he was unable to operate his dump truck in his business. Rouse was unable to document any substantial wage loss claim; however that remained a claim in the case.

The property damage to Rouse's truck was paid by his insurer and their subrogation claim was paid by the County in April of 2010 for a total of \$7132.63.

Liability is clearly on the county driver. A negotiated settlement totaling \$14,000.00 was reached for all of Rouse's personal injury claims, in return for a release of all claims related to the accident and dismissal of the suit. The payment will be made to Rouse by the Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

cc: Amber Moreen  
Kelly Bablitch  
Raisa Koltun  
Alexis Gassenhuber  
Steve Cady