

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: August 11, 2016

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

FROM: Kathryn M. West, Assistant Corporation Counsel

SUBJECT: *Johnny Young, et al. v. Pamela Miller, et al., Milwaukee County
Case No. 15-CV-2111*

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 Johnny Young (“Mr. Young”)¹ and for the total sum of \$15,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation. Please note that Mr. Young’s attorney’s fees and costs are included in this \$15,000.00 total amount.

This is a personal injury claim resulting from an incident that occurred on November 18, 2011 at the intersection of 27th and Wells Streets in Milwaukee. The Defendant driver, Milwaukee County Sheriff’s Office Detective Pamela Miller (“Det. Miller”), out serving subpoenas in an unmarked squad, was stopped at a red traffic light behind the vehicle driven by Mr. Young. Although Mr. Young claims the traffic light was still red, Det. Miller thought it turned green and drove forward, colliding with the rear of Mr. Young’s minivan.

Mr. Young treated for back, neck and chest strains sustained as a result of this collision. He claims that he had returned to his baseline after six months of treatment, and claims \$16,810.20 in past medical specials attributable to this accident. Milwaukee County maintains that Mr. Young would have completed healing for any injury associated with this accident within four weeks, and any further pain is attributable to his significant pre-existing degenerative disc disease and chronic pain issues.

It would be difficult for Milwaukee County to contest liability in this case because there is no dispute that Det. Miller’s squad rear-ended Mr. Young’s vehicle. Even

¹ Medicare, which paid Mr. Young’s bills, is an involuntary plaintiff.

if the light had turned green, it would be difficult to argue that she exercised the proper level of care. This problem is exacerbated by the fact that the Sheriff's Office investigation of the collision concluded that it was "avoidable." The main issue at trial would, therefore, be the nature and extent of Mr. Young's back, neck and chest injuries.

This proposed settlement resulted from negotiations between the parties' attorneys during a court-ordered mediation session on August 10, 2016, in advance of the final pre-trial conference, which was scheduled for August 18, 2016. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay Mr. Young and his attorneys \$15,000.00. In return, Mr. Young 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 County Mutual.

Corporation Counsel recommends approval of this settlement, and it is also being recommended for approval to Wisconsin County Mutual Insurance Corporation.



Kathryn M. West, Assistant Corporation Counsel

cc: Kelly Bablitch
Allyson Smith
Erica Hayden
Raisa Koltun