

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: August 19, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: James M. Carroll, Principal Assistant Corporation Counsel

SUBJECT: Percy Morgan v. Milwaukee County, et al.
Milwaukee County Case No. 2012CV005229

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 this case for the total sum of \$40,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves two personal injury claims resulting from a March 26, 2011 motor vehicle accident. The accident occurred at approximately 10 a.m. at the intersection of Appleton Avenue and Grantosa Drive in Milwaukee. A Milwaukee County employee was driving a Milwaukee County truck with a snow plow and salting equipment attached. Jimmy Newmy was driving a 2001 Mercedes Benz CL500 owned by his brother, Percy Morgan. Morgan was a rear seat passenger at the time of the accident. Patrice England, who is not a party to this action, was in the front passenger seat. Morgan was not wearing a seatbelt at the time of the accident. While Morgan and the defendant relate different versions of how the accident occurred, it is clear that the Milwaukee County vehicle was making a right turn when it struck the driver's side of the Morgan vehicle. Both Newmy and Morgan filed personal injury claims. This memo and resolution pertain only to Morgan's claims; Newmy's claims were previously resolved and approved by the Milwaukee County Board of Supervisors and the County Executive (File No. 13-312).

Morgan claims \$9,881.00 in medical special damages for treatment of soft tissue injuries to his neck, back, and left shoulder. He is claiming a permanent left shoulder injury based on the report of an orthopedic surgeon, who states that he will need surgery to repair his left shoulder. The orthopedist anticipates that this surgery and follow-up treatment will cost between \$65,000.00 and \$72,000.00. The County obtained a physician's report disputing Morgan's need for surgery.

Per the court's direction, the parties mediated this matter on March 22, 2013. Though the mediation was unsuccessful, ongoing negotiations thereafter resulted

in the proposed resolution. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay to Mr. Morgan and his attorneys \$40,000.00. In return, Mr. Morgan 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.

 8/19/13

James M. Carroll, Principal Assistant Corporation Counsel

cc: Amber Moreen
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