

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: January 7, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: James M. Carroll, Principal Assistant Corporation Counsel

SUBJECT: *Barbara Marinoff, et al. v. Wisconsin County Mutual Insurance Corporation, et al.*  
Milwaukee County Case No. 2011CV012468

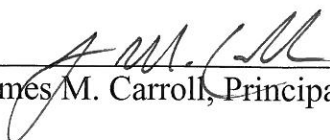
I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$25,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a personal injury claim resulting from a trip and fall that occurred at the Milwaukee County Zoo on September 13, 2008. The incident occurred during a diabetes walk held on the zoo premises. Ms. Marinoff alleges that a depression in the concrete near the Oak Grove picnic area caused her to fall and injure her left arm, wrist and hand, left ankle, and left knee. While actual notice of the concrete defect may be difficult for Ms. Marinoff to prove, Corporation Counsel feels she may succeed in establishing constructive notice as the depression in the concrete was not trivial and existed for approximately two years prior to Ms. Marinoff's fall.

Ms. Marinoff claims \$16,268.28 in medical expense for treatment of injuries including a left arm fracture, sprained left ankle, sprained left rotator cuff, and left elbow and knee pain. She maintains that her left arm injuries are permanent.

This proposed resolution resulted from settlement discussions with plaintiff's counsel as trial approached. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay Ms. Marinoff and her attorneys \$25,000.00. In return, Ms. Marinoff will dismiss her 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.

 1/7/14  
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James M. Carroll, Principal Assistant Corporation Counsel

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