

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: May 28, 2015

TO: Marina Dimitrijevic, County Board Chairwoman

FROM: Paul Bargren, Corporation Counsel
Timothy R. Karaskiewicz, Assistant Corporation Counsel

SUBJECT: Claim filed by Michael Baars
Date of incident: March 13, 2013
Date claim filed: August 7, 2013

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for settlement approval. We have arrived at a settlement of this case for the total sum of \$40,000.00, which will be paid by General Mitchell International Airport revenues.


As the sun began to rise on a clear but cold morning on March 3, 2013, the Plaintiff, Michael Baars, walked across the southbound traffic lanes on Howell Avenue on his way to work at a construction project at General Mitchell International Airport (GMIA). At the same time Mathew Aubry, an Airport Operations Coordinator at GMIA, drove a County-owned Chevrolet Tahoe SUV west on Hutsteiner Drive in response to a call from the Operations Department. Mr. Aubry stopped at the corner of Hutsteiner and Howell and activated his left turn signal. He looked for southbound traffic, then for northbound traffic, then accelerated into a left-hand turn into the Howell Avenue southbound lanes of traffic – striking Mr. Baars with the left front fender and bumper of the Tahoe.

Although Mr. Baars bounced off the front of the Tahoe (there is some dispute whether his head also bounced off the hood of the SUV), he was not as seriously injured as one might have expected. When he struck the pavement, several feet away from the point of impact with the Tahoe, Mr. Baars alleges that the back of his head struck the pavement. This cranial impact supported justifiable medical concerns by Mr. Baars' neurologist and after he was transported to the hospital, it was thought best that he remain there for observation. Although no neurological disorders were observed at the hospital, medical professionals thought it was best to follow up at regular intervals.

Some months passed and while Mr. Baars continued physical therapy for leg and back complaints (mostly pain and stiffness), no additional neurological issues revealed themselves. This is a very fortunate outcome of a serious accident. Nevertheless Mr. Baars amassed medical expenses exceeding \$20,000.00 and incurred understandable pain and suffering during his four-month-long recuperative process. His complaint, filed against Milwaukee County in March 2014 demanded \$100,000.00 for injuries to himself and for loss of consortium. Following discovery and negotiations, counsel have agreed to settle all of the claims alleged in Mr. Baars' complaint for \$40,000.00.

The Milwaukee County Corporation Counsel's Office negotiated a settlement with the claimant's attorneys, Hupy & Abraham, S.C. The Corporation Counsel's Office recommends a total payment of \$40,000.00 to Michael Baars to settle his personal injury claim. There is no tax levy impact

because the settlement will be paid from airport revenues. The settlement check should be made payable to the trust account of Todd Korb (Tax Identification No. 39-1211-548).



Timothy R. Karaskiewicz
Assistant Corporation Counsel

cc: Kelly Bablitch
Raisa Koltun
Erica Hayden
Alexis Gassenhuber

L:\Users\TKARASKIEWICZ\Judiciary Committee Memo\JC Memo-Michael F Baars.docx