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DATE: March 26, 2013

TO: Marina Dimitrijevic, County Board Chairwoman

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Claim filed by Erin Wozney (f/k/a Bartes)
Date of incident: January 2, 2010
Date claim filed: March 8, 2010

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$54,000 to Erin Wozney (f/k/a Bartes) to settle in full her claim against Milwaukee County.

This incident occurred on January 2, 2010 at approximately 12:20 am in the south bound lanes of I-43. A Deputy Sheriff made an arrest of claimant Erin Bartes on suspicion of OWI around 12:20 am on January 2, 2010. He placed her in the rear of the squad while handcuffed and buckled.

The deputy then noticed another vehicle attempting to enter I43 down an off ramp. He observed the vehicle stop, back up and head back onto S. 60th St. He drove behind the vehicle to investigate. The deputy stopped the other vehicle and pulled up behind it. He pulled too close to the vehicle, so he proceeded to back up his squad prior to getting out. After getting out of the squad he realized that the squad was rolling backwards. It rolled backwards across the lanes of I43 and then down the hill adjacent to the S. 84th Street ramp, where it hit the cement barrier wall. The vehicle came to a rest with the rear bumper against the wall.

After the incident, the claimant, Erin Bartes, was transported to the substation to be interviewed and tested. While there, she complained of pain in her right wrist. She was taken to Froedtert Memorial Hospital for a medical evaluation. An X-ray of her right wrist was taken and was interpreted as showing no acute fracture or dislocation. She was discharged and instructed to use ibuprofen for pain.

She then made an appointment with her physician at ProHealth Care who recommended an MRI which she had on January 7, 2010. The findings were a

nondisplaced scaphoid wrist fracture. Tearing of any ligaments could also not be excluded. She was then referred for follow-up care.

Her physician recommended a cast be placed onto her right wrist for about one month. When the cast was removed, she had some swelling and still complained of pain. An X-ray was taken and showed a small cortical defect radially. She was again placed into a short arm thumb spica cast for one month. On March 4, 2010, her symptoms had not changed. At this time a splint immobilization was placed on the right hand/wrist. Due to soreness with the movement of the thumb, an injection of the first dorsal compartment was performed.

After two more visits with the physician, on June 9, 2010 he noted that the MRI showed a partial tear of the triangular fibrocartilage and that surgery was an option. The claimant chose to work on strengthening exercises instead. In December 2010, additional x-rays of the wrist were taken and showed healing of the fracture.

A second MRI was performed in June, 2011 and showed a decrease in edema. However, it appeared that she was developing a partial tear in the extensor carpi ulnaris tendinopathy, also known as, carpal tunnel syndrome.

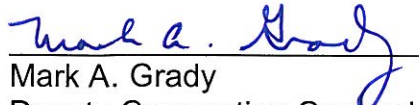
In October of 2011, she started to see a hand specialist. After a third MRI, he performed an arthroscopy of the wrist on August 30, 2012. During the surgery, a grade 4 instability of the scapholunate ligament was addressed.

Claimant lost approximately 90 work hours at two places of employment due to appointments as well as the surgery. She incurred medical expenses as follows:

SPECIALS:

Froedert Hospital:	\$651.21
Medical College of WI:	\$480.00
Waukesha Memorial:	\$1862.53
Radiology Waukesha:	\$486.00
ProHealth Care Med Assoc:	\$121.00
Orthopedic Assoc. of WI:	\$1598.00
Quad Med/Sussex:	\$264.00
Wheaton Franciscan HC:	\$4658.00
Dr. Jacqueline S. Misna:	\$344.00
Milwaukee Hand Specialist:	\$4243.00
PDI Radiology:	\$1764.00
Wheaton Franciscan Elmbrook:	\$16,195.50
Brookfield Anesthesiology:	\$1815.00
Lost Wages:	\$2029.92
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Total:	\$36,512.16

The adjustor for the Wisconsin County Mutual Insurance Corporation negotiated a settlement with claimant's attorneys, Samster, Konkel & Safran, S.C. The Mutual recommends a total payment of \$54,000.00 to Erin Wozney to settle her personal injury claim. Corporation Counsel has reviewed this matter and supports the recommendation to settle this personal injury claim. Payment will come from the County's deductible with the Mutual.


Mark A. Grady
Deputy Corporation Counsel

c: Amber Moreen
Kelly Bablitch
Janelle Jensen
Jennifer Collins
Raisa Koltun
Richard Schmidt