

INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE

DATE: May 25, 2016

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

FROM: James M. Carroll, Assistant Corporation Counsel

SUBJECT: *Jason Graham, et al. v. Wisconsin County Mutual Insurance Corporation, et al.*
Milwaukee County Case No. 2014CV001169

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 Jason Graham ("Mr. Graham") for the total sum of \$12,500.00, which will be paid by Wisconsin County Mutual Insurance Corporation. Please note that Mr. Graham's attorney's fees and costs are included in this \$12,500.00 total amount.

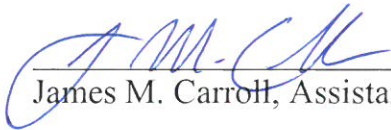
This is a personal injury claim resulting from an incident that occurred on January 20, 2012 at the intersection of Appleton and Hampton Avenues in Milwaukee. The roads were snow-covered and it was snowing at the time of the accident. The Defendant driver was operating a Milwaukee County snowplow heading northwest on Appleton Avenue. Mr. Graham was the front seat passenger in a Toyota Sienna minivan that was also northwest bound on Appleton Avenue. Though accounts of the accident differ, it is undisputed that the right side plow blade of the Milwaukee County vehicle came into contact with the driver's side of the minivan, causing damage to the side of the minivan.

As a result of this incident, Mr. Graham claims an ongoing and permanent cervical disc injury, as well as a lumbar injury. He claims \$6,544.07 in past medical specials attributable to this accident. Mr. Graham's treating physician also referred him to an orthopedic specialist for consultation regarding possible cervical spine surgery. Mr. Graham claims that he continues to experience pain, numbness in his extremities, and stiffness, and that these symptoms affect his daily activities. Milwaukee County maintains that Mr. Graham's injuries are not permanent and are less significant than he alleges.

Because Mr. Graham was a passenger and liability is not in dispute, the main issue at trial would be the nature and extent of Mr. Graham's spinal injuries; in particular, his cervical disc injury.

This proposed settlement resulted from discussions between the parties' attorneys in the days leading up to trial, which was scheduled to commence June 13, 2016. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay Mr. Graham and his attorneys \$12,500.00. In return, Mr. Graham 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.



James M. Carroll, Assistant Corporation Counsel

cc: Kelly Bablitch
Shanin Brown
Erica Hayden
Raisa Koltun