

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: March 27, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: James M. Carroll, Principal Assistant Corporation Counsel

SUBJECT: Jimmy Newmy, et al. 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 \$20,000.00, 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. Plaintiff Jimmy Newmy was driving a 2001 Mercedes Benz CL500 owned by his co-plaintiff (and 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. Neither plaintiff was wearing a seatbelt at the time of the accident. While the plaintiffs 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 Newmy vehicle. Both Newmy and Morgan have filed personal injury claims. This memo and resolution pertain only to Newmy's claims; Morgan's claims have not been settled.

Newmy claims \$11,119.00 in medical expense for treatment of soft tissue injuries to his neck, back, and right shoulder. He is not claiming any permanent injury. He has a history of pre-existing back problems; specifically, a multi-level lumbar fusion surgery in 2009 that resulted from a serious auto accident. Newmy testified at his deposition that he was still impaired by his 2009 injuries at the time of the March 2011 accident. He claims that the 2011 accident aggravated his back condition. He maintains that he is still bothered by injuries to his shoulder and back sustained as a result of this accident.

Per the court's direction, the parties mediated this matter on March 22, 2013. The mediation resulted in this proposed settlement. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay to Mr. Newmy and his attorneys \$20,000.00. In return, Mr. Newmy 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, Principal Assistant Corporation Counsel

cc: Amber Moreen
Kelly Bablitch
Jennifer Collins
Janelle Jensen
Raisa Koltun