

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: August 18, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Mark A. Grady, Deputy Corporation Counsel *MAG*

SUBJECT: Notice of Claim of Tanya Weyker
Accident: February 20, 2013

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement to be paid by the Wisconsin County Mutual Insurance Company in the amount of \$250,000 to Ms. Weyker and her attorneys, Hupy & Abraham S.C. Ms. Weyker filed a notice of claim for injuries and damages she suffered in a motor vehicle accident with a deputy sheriff operating a squad car.

Ms. Weyker (24 years old) was traveling with a passenger southbound on S. Howell Ave. at the intersection with East Joseph Hutsteiner Drive, Milwaukee, WI when she was involved in a collision with a deputy sheriff in his squad car. The deputy was headed westbound and allegedly rolled through the stop sign at the intersection and made a left turn at the median to head southbound on Howell Ave. when his vehicle and the vehicle driven by Ms. Weyker collided. Ms. Weyker's vehicle spun and struck a tree in the median on the passenger side of the vehicle.

Ms. Weyker was transported by EMS to Froedtert Hospital with a cervical collar and on a board. She complained of head, neck, back and shoulder pain. A CT scan of her neck demonstrated a fractured vertebra (a displaced fracture of the right superior articular facet of C5-C6). Ms. Weyker underwent a neck fusion surgery, including placement of a rod and screws.

The total medical expenses incurred to date are approximately \$188,000.00.

Milwaukee County's liability to claimants such as Ms. Weyker who are injured as a result of the negligent operation of a motor vehicle by county employees is limited to \$250,000 by §345.05(3) of the Wisconsin Statutes. In this case, the deputy allegedly failed to yield the right of way to Ms. Weyker and the value of her injuries and damages justifies payment of the statutory maximum.

Wisconsin County Mutual, our office, and outside counsel for the federal court case (see below) all recommend this settlement.

Ms. Weyker has filed a federal court case alleging various civil rights claims related to her alleged treatment by the Sheriff and his employees (*Weyker v. Quiles et al*, 14-CV-782). Among other things, she alleges a false arrest and abuse of process related to her arrest for OWI and alleges policies and practices on the part of the Sheriff's office to violate citizens' rights and cover up misdeeds. Those allegations arise out of actions subsequent to the motor vehicle accident and do not relate to the claim that the deputy's allegedly negligent operation of his squad car caused the accident. That suit with those allegations will continue to proceed and be defended by the County and its insurer, but all injury claims related to the accident will be resolved by this settlement.

cc: Raisa Koltun
Kelly Bablitch
Alexis Gassenhuber
Erica Hayden