

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: October 7, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Dewey B. Martin, Principal Assistant Corporation Counsel *DB.M*  
Roy L. Williams, Principal Assistant Corporation Counsel *R.L.W.*

SUBJECT: *Melvin Harper v. Wisconsin County Mutual Insurance Corporation, et al.*  
Milwaukee County Case No. 2011CV015526

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 \$15,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a personal injury claim resulting from a slip and fall that occurred at the Milwaukee County House of Correction ("HOC") on August 8, 2009. The incident occurred in Dorm F6 of the facility. Plaintiff Melvin Harper alleges that he jumped out of his top bunk and injured himself when he slipped and fell in a puddle of water next to his bunk.

Mr. Harper claims \$12,391.16 in medical expenses for treatment of his injuries, including injuries to his neck, back, and tailbone. He maintains that he has suffered permanent injuries and sustained a loss of wages and a loss of earning capacity.

Defendants filed a motion for summary judgment with Judge Foley and argued that the Defendants lacked actual and/or constructive notice of any water on the floor of the HOC. The court denied the motion and held there are questions for a jury concerning what the HOC knew and when.

Per the court's direction, the parties mediated this matter on January 17, 2013. The mediation did not result in a settlement at that time. Subsequently, settlement discussions resumed, and the Plaintiff reduced his demand. This settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$15,000.00 to the Trust Account of Phillips, Cymerman, & Stein, S.C. In return,

Mr. Harper will dismiss his lawsuit 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 Insurance Corporation recommend this settlement for approval.

cc: Amber Moreen  
Kelly Bablitch  
Alexis Gassenhuber  
Stephen Cady  
Raisa Koltun