

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: June 28, 2016

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

FROM: Jennifer K. Rhodes, Assistant Corporation Counsel

SUBJECT: *State Farm Mutual Automobile Insurance Company v. County of Milwaukee, et al.*
Milwaukee County Circuit Court Case No. 15CV4019

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 \$3,000.00, inclusive of all costs, disbursements, and attorney fees, which will be paid by Wisconsin County Mutual Insurance Corporation.

This is a property damage action resulting from an automobile accident that occurred on October 3, 2014. The defendant driver (Milwaukee County Employee), Scott Schweitzer ("Mr. Schweitzer"), was operating a Milwaukee County vehicle, a 2011 Chevrolet Silverado 2500, and headed to the Milwaukee County Fleet Maintenance Facility ("MCFMF"), located at 10320 W. Watertown Plank Road. The driver of the other vehicle, Robyn L. Saxe ("Ms. Saxe"), insured by State Farm Mutual Automobile Insurance ("State Farm"), was operating a 2006 Infiniti M35x STD, headed to her place of employment, Children's Hospital of Wisconsin.

State Farm was seeking damages in the amount \$4,998.90 and \$500 for the deductible, for a total of \$5,498.90.

It was undisputed that there was a collision between these two vehicles and that property damage was sustained. The cause of the accident was not agreed upon, and both drivers had very different accounts detailing the events that led up to the accident.

Ms. Saxe insists that prior to the accident, Mr. Schweitzer was in an entirely different lane preceding the accident. Ms. Saxe also believes that Mr. Schweitzer was committed to making a left turn, but instead made a right turn into her vehicle, dragging her vehicle to the location where both vehicles came to rest.

Mr. Schweitzer asserts that he exited Hwy 45 onto Watertown Plank Road and stayed in the same lane the entire time because the MCFMF was a very short distance from the exit. Mr. Schweitzer believes that he had on his directional signal and checked his mirrors and his blind spot prior to attempting the right turn when Ms. Saxe drove into his vehicle.

Milwaukee County alleges that Ms. Saxe did not properly yield to Mr. Schweitzer's turn or exercise due caution, but rather continued driving in that lane, causing the collision.

The main issue at trial would be whether Mr. Schweitzer was liable for damages caused by the collision to State Farm's insured vehicle.

The parties mediated this matter before Attorney Gerald Schmidt, Jr. on June 22, 2016, pursuant to court order. The mediation resulted in this settlement. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$3,000.00 to State Farm Mutual Automobile Insurance Company. In return, State Farm Mutual Automobile Insurance Company will dismiss this 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 recommend this settlement for approval.



Jennifer K. Rhodes, Assistant Corporation Counsel

cc: Kelly Bablitch
Shanin Brown
Erica Hayden
Raisa Koltun