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**Request for City Council Committee Action
From the City Attorney's Office**

Date: October 25, 2002
To: Ways & Means/ Budget committee
Referral to:

Subject: Amy Strom v. City of Minneapolis

Recommendation: That the City Council approve settlement of this case by payment of \$15,000 to plaintiff Amy Strom and his attorney, Scott from Fund/Org 690 150 1500 4000.

Previous Directives: None

Prepared by: Edward Backstrom

Phone: 612-673-2072

Approved by:

Jay M. Heffern
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Fund/Org 690 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information

This is an automobile accident that occurred May 1, 1998 at 10:50 PM. The car in which Ms. Strom was a passenger was westbound on Plymouth proceeding through the intersection on a green light. An unmarked car driven by Sgt. Michael Kjos was proceeding northbound on Washington Avenue and entered the intersection against a red light. This resulted in the Strom vehicle striking the side of the vehicle Sgt. Kjos was driving. Sgt. Kjos was attempting to stay within visual range of a vehicle that was suspected to have been involved in fleeing from the scene of a fight call. The driver of this vehicle was thought to be armed. According to Sgt. Kjos, he stopped at the red light and allowed a vehicle to proceed through the intersection with the green light. He then pulled out against the red light and only then noticed that the vehicle in which plaintiff was a passenger was also coming through the intersection. Sgt. Kjos states that the first vehicle blocked his view of the plaintiff's vehicle. Sgt. Kjos was in a jeep which had no police markings. The vehicle was not equipped with red lights or siren and therefore Sgt. Kjos used neither when he entered the intersection.

As a result of the accident plaintiff is claiming that she experienced consistent neck pain, headaches, and lower back pain. She states that she has had difficulty sleeping, a diminished sex life, and depression. She went to her doctor about a month after the accident complaining about headaches and hip pain. There is no mention of neck or back pain in these records. Several months later she started seeing a chiropractor, Dr. Flickstein for treatment of neck pain, lower back pain, headaches, and hip pain. She was reported to have limited range of motion in her neck. She was referred to Dr. A. V. Anderson, a medical doctor, who found narrowing of the cervical spine and of the lumbar spine, and concluded that plaintiff was permanently injured as a result of the accident. She was also referred to a psychologist, Ron Berk, for depression, which he found arose as a result of the injuries she suffered from the accident. Plaintiff missed no time from work, but claims that the injuries effect her ability to perform her work duties. She also had to give up recreational activities such as playing pool and bicycle riding because of the injuries.

It is clear that the officer was at fault in the accident. The driver of the vehicle in which Ms. Storm was a passenger had previously filed suit as a result of this accident. A summary judgment motion based on immunity was brought in the driver's case which was denied. It seems clear that immunity would not be granted in this case based on the Nelson and Kari cases. The driver of the vehicle settled his claim for \$17,000. Plaintiff's attorney demanded the amount the driver received to settle Ms. Storm's case, \$17,000.

Based on the above considerations a settlement has been reached in this matter wherein Ms. Storm has agreed to settle the lawsuit for \$15,000. This settlement has been reviewed and approved by the Minneapolis City Attorney's office litigation committee.