



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

Date: January 25, 2002
To: Way and Means/Budget Committee
Referral to: None

Subject: Kerry Zwirn vs. City of Minneapolis and Koop

Recommendation: That the City Council approve payment of \$3,000.00 to Kerry Zwirn and her attorney, Ms. Susan J. Bowden, from Fund Org 6900 150 1500 4000

Previous Directives:

Prepared by: William C. Dunning, Assistant City Attorney

Phone: 673-2473

Approved by: _____

Jay M. Heffern
City Attorney

Presenter in Committee:

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):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information Attached

On January 21, 1998, Police Officer Lance DuPaul was responding to a radio dispatch to intercept a car fleeing police. Officer DuPaul was southbound on Central Avenue with his lights and siren operating. When the officer came to 18th Avenue N.E., he saw the fleeing vehicle heading northbound. At that time, a vehicle driven by Michelle A. Koop was crossing Central Avenue on 18th Street with a green light. Officer DuPaul hit his brakes and slid into the intersection colliding with the Koop vehicle. Ms. Koop claims that the officer's lights and siren were not being used.

Kerry Zwirn was a passenger in the Koop vehicle. Since the incident, Ms. Zwirn has been treated for neck and back injuries.

If this case were tried, a possibility exists that a jury may decide that Officer DuPaul was not operating the siren at the time of collision. Further, the officer could be held negligent because he slid into the intersection against the red light. Therefore, I would recommend settlement as outlined in view of the fact that the larger part of the total settlement is paid by the insurance company.

As a result of court ordered mediation, it has been agreed that the insurer for Ms. Koop will pay \$8,000.00, and the City will pay \$3,000.00 subject to approval of the City Council. We have previously settled the claims of Nicole Ann Phillips on similar terms.

01L-0108