



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

Date: October 20, 2008
To: Ways & Means/Budget Committee
Referral to:

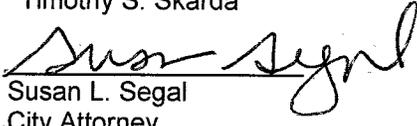
Subject: Demetri D. Buford v. City of Minneapolis
Notice of Claim

Recommendation: That the City Council approve the settlement of the claim of Demetri D. Buford by payment of \$9,200.00 payable to the Kreuger Law Firm from Fund/Org. 06900 1500100-145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None.

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by:


Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.
 Other financial impact (Explain): Payment from Fund/Org. 06900 1500100-145400
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Build Community

Background/Supporting Information

This proposed settlement involves a claim filed by Mr. Buford arising from a motor vehicle accident with a City vehicle at 28th Street East and 11th Avenue South. Mr. Buford was traveling east in the right lane on 28th Street East. A Traffic Control vehicle was also traveling east on 28th Street East in the left-hand lane. The Traffic Control vehicle attempted to turn into the right lane and struck the side of Mr. Buford's vehicle. The driver of the City vehicle was issued a traffic citation for unsafe lane movement. The driving conduct was witnessed by a driver traveling directly behind the City vehicle who corroborated the driving conduct.

Mr. Buford alleges personal injuries including neck pain, low back pain and headaches. Mr. Buford sought chiropractic treatment for his injuries and was diagnosed with ligamentous laxity and partial disruption at C4-5 and reversal of the normal cervical curve. Mr. Buford's neurologist noted significant hypertonic thoracic and lumbar paraspinals and expressed concern about cervical radiculopathy due to weakness in the left arm. An MRI of the cervical spine was within normal limits.

Mr. Buford documents \$12,821.90 in special damages, including medical expenses and damage to his vehicle. Mr. Buford initial settlement demand was for the 'policy limits.' Over the course of negotiation, a proposed settlement was reached in the amount of \$9,200.00, which we believe fairly evaluates the value of the claim and damage suffered by Mr. Buford. The City driver was ticketed for his driving conduct and the driving conduct is corroborated by an independent witness. Mr. Buford has expenses in excess of the amount of the proposed settlement. The settlement amount was reviewed and approved by the City Attorney Litigation Committee prior to the negotiation of the proposed settlement. The proposed settlement has been discussed with the Minneapolis Police Department which joins in recommending approval by this Committee and the City Council.