

SUBJECT

BOARD RESOLUTION NO. 16-644

Pertaining to a Settlement Agreement and Release for the no-fault / PIP subrogation claim of Praxis Consulting, Inc. as subrogee of Nyia Lee for the claims paid on behalf of Mai Yang Vue against the Board of Water Commissioners.

BACKGROUND INFORMATION

Staff and the Office of Risk Management is recommending the amount of \$9,340.50 be paid to Praxis Consulting, Inc. as final settlement of the no-fault / PIP subrogation claim of Praxis Consulting, Inc. as subrogee of Nyia Lee for the claims paid on behalf of Mai Yang Vue resulting from a December 1, 2014 motor vehicle accident involving a SPRWS pick-up truck.

Description of Accident

On December 1, 2014, Saint Paul Regional Water Services pick-up truck No. 605 (SPRWS Vehicle) was involved in an accident on Larpenteur, east of Jackson, in Saint Paul. The SPRWS Vehicle was traveling eastbound in the left lane and merged to the right lane to avoid a tow truck that was stopped in the left lane waiting to turn left. As the SPRWS driver crested the hill just east of Jackson, he saw a 2005 Honda CRV (Vehicle #2) parked in the right lane. The SPRWS driver hit the brakes but could not stop in time and hit the rear end of Vehicle #2, which was driven by Mai Yang Vue (Vehicle #2 Driver). The drivers were the only persons in each vehicle.

SPRWS Accident Review Board determined that this accident was preventable. The SPRWS employee driving the vehicle received disciplinary action in the form of a written reprimand and was required to attend a defensive driving class.

See attached Summary of Claims and resolution.

RECOMMENDATION

Approval is recommended.

Summary of Claims resulting from December 1, 2014 Vehicle Accident

1. Property Damage - Vehicle #2	\$ 3,498.60	Settled in May, 2015
2. Personal Injury - Vehicle #2 Driver	\$15,000.00	Approved by Board February 9, 2016
3. <u>Medical - Vehicle #2 Driver</u>	<u>\$ 9,340.50</u>	<u>Proposed Settlement</u>
Total	\$27,839.10	

1. Property Damage Claim for Vehicle #2 – Settled in May, 2015

A property damage claim associated with Vehicle #2 was brought against the Board and was settled in May 2015 in the amount of \$3,498.60 by Sandra Bodensteiner of the Office of Risk Management.

2. Personal Injury Claim for Vehicle #2 Driver – Approved by Board February 9, 2016

The personal injury matter was referred to the Office of Risk Management. Sandra Bodensteiner recommended the amount of \$15,000 be paid as final settlement of all personal injury claims related to this incident. In its meeting of February 2016, the Board approved the \$15,000.00 settlement.

3. **Current Subrogation Claim for Vehicle #2 Driver - settlement is recommended**

Praxis Consulting, Inc., as subrogee of Nyia Lee for the claims paid on behalf of Mai Yang Vue, has brought a subrogation claim against the Board for No Fault or PIP claims paid related to this incident. Sandra Bodensteiner has negotiated a final settlement of all claims by Praxis Consulting, Inc. in the amount \$9,340.50, which she recommends the Board approve.