

## SUBJECT

### **BOARD RESOLUTION NO. 16-244**

Pertaining to a Settlement Agreement and Release of a personal injury case/claim by Mai Yang Vue against the Board of Water Commissioners.

## BACKGROUND INFORMATION

Staff and the Office of Risk Management is recommending the amount of \$15,000 be paid to the plaintiff, Mai Yang Vue, as final settlement of a claim for personal injury resulting from a December 1, 2014 motor vehicle accident involving a SPRWS pick-up truck.

This incident also resulted in a property damage claim, which the Board settled in May 2015 in the amount of \$3,498.60.

A subrogation claim for medical expenses has not been received, but is expected.

See attached Report and resolution.

## RECOMMENDATION

Approval is recommended.

## **Report of December 1, 2014 Vehicle Accident and Claims**

On December 1, 2014, a Saint Paul Regional Water Services pick-up truck No. 605 was involved in an accident on Larpenteur Avenue, east of Jackson Street, 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 the claimant's car parked in the right lane. The SPRWS driver hit the brakes but could not stop in time and hit the rear end of claimant's vehicle.

The vehicle struck by the SPRWS vehicle was a 2005 Honda CRV owned by the claimant, Mai Yang Vue. A property damage claim associated with that vehicle was brought against the Board and was settled in May 2015 in the amount of \$3,498.60, as recommended by Sandra Bodensteiner of the Office of Risk Management.

The claimant then brought this claim for personal injury against the Board. The personal injury matter was referred to the Office of Risk Management. Sandra Bodensteiner is recommending the amount of \$15,000 be paid to the claimant as final settlement of all personal injury claims related to this incident.

In completing the claim form, the claimant reported seeking treatment from several medical providers. Accordingly, we are anticipating an additional subrogation claim for medical expenses.

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.