

COMMITTEE OF THE WHOLE

09-0521R

RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT BETWEEN
GINA AND RICK LABELLE AND THE CITY OF DULUTH IN THE
AMOUNT OF \$30,000.

CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized, upon required approval of the district court, to pay to Gina and Rick LaBelle and their attorney, Michael Tierney, \$30,000 in full and final settlement of a claim which arose out of a motor vehicle incident on November 4, 2002, and giving rise to the civil action *Gina and Rick LaBelle v. City of Duluth*, St. Louis County District Court File Number 69DU-CV-08-1816, payment to be made from Self Insurance Fund 610, Agency 036, Organization 1651, Object 5841.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PUBLIC ADM/ATTY LDW:blj 8/12/2009

STATEMENT OF PURPOSE: This resolution ends the lawsuit between Gina and Rick LaBelle and the city of Duluth. On November 5, 2002, Gina LaBelle suffered an injury when the vehicle in which she was a passenger was impacted from the rear by a city vehicle. She claimed that the city was negligent and that she sustained severe injuries and disfigurement. Ms. LaBelle received substantial medical treatment and she claimed ongoing pain and limitation of activities. Rick LaBelle claimed loss of consortium due to his wife's injuries. The city engaged in extensive discovery and participated in court ordered mediation. As a result of the mediation, the parties agreed to the settlement amount. The city attorney's office recommends that the council approve the terms of the mediated settlement.