



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

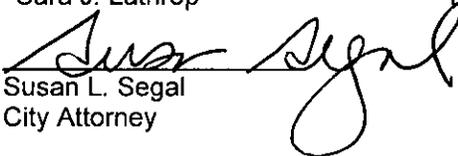
Date: August 5, 2008  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Mustafa Idris v. Michael Dixon and City of Minneapolis  
Hennepin County District Court File No. 27-CV-07-23901

**Recommendation:** That the City Council approve the settlement of this case by payment of \$17,750.00 payable to Mustafa Idris and his attorney John Krueger, from Fund/Org. 06900-1500100-145685 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:** None.

Prepared by: Sara J. Lathrop Phone: (612) 673-2072

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. 06900-1500100-145685
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Build Community

**Background/Supporting Information**

Mr. Idris is suing the City and City employee Michael Dixon for personal injuries he suffered in a motor vehicle accident. On December 26, 2001 Mr. Dixon was driving a City dump truck on Olson

Memorial Highway. Somehow the "box" in the rear of the truck became raised without Mr. Dixon's knowledge. As he was driving across an overpass for Highway 94, the raised box of his truck struck an overhead sign directing traffic toward a highway entrance. The sign broke off and fell onto the highway below, crushing a taxicab driven by Mr. Idris. The sign's impact caused injuries to Idris as well as the taxi passenger. Mr. Dixon was cited for inattention/distraction.

Mr. Idris was treated for injuries at HCMC, at Noran Neurological Clinic, and at a chiropractor. He claims that he still suffers pain in his head, neck and back, which is also aggravated by his job as a taxi driver. Plaintiff's expert neurologist will testify at trial that Mr. Idris' symptoms will be permanent and that he will need ongoing treatment.

There is no question that the City is liable in this case; the only issue is the amount of damages. . The City has already paid the owner of the taxicab (from whom Mr. Idris rented the cab) for vehicle damage and loss of use. The City has also already settled with the cab-owner's insurance company to reimburse it for no-fault benefits paid for Mr. Idris and for the passenger in the cab, who was also injured.

Mr. Idris claims approximately \$20,000 in unpaid medical bills, plus an ongoing loss of income of \$15,000 a year because he alleges his pain prevents him from driving a cab the long hours he previously was able. He also seeks damages for loss of future income capacity, and pain and suffering.

This would be a risky case to try because the City is unquestionably at fault. The jury would be asked to compensate him for his uncompensated losses, as well as pain and suffering. Our expert witness would testify that his current symptoms are not necessarily caused by the accident, but the jury could believe Mr. Idris' expert. The jury would also be asked to assess future lost wages which could be substantial. The entire verdict would be borne by the City as there is no contributory fault here. Settling the case now for a moderate amount eliminates that risk.

Originally Mr. Idris demanded \$200,000 to settle this case. The City Attorney's Office litigation committee has recommended settling this case for \$17,750, and Plaintiff has accepted that offer, pending City Council approval. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.