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Common Council
City of West Allis

RE: Armando Chevere Ortega and Joanna Vazquez Martinez Claim – Legistar No. 2020-388

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. Though this matter was referred as a single claim there were two individuals involved, but both parties were represented by the same attorney who only filed one claim. This office has examined the facts of the claim and the applicable law. This office's recommendation is to resolve the claim on behalf of Armando Chevere Ortega for \$38,500 and the claim on behalf of Joanna Vazquez Martinez for \$60,000 based on the summary below:

Facts: On May 17, 2020 a West Allis Fire Department ambulance was on the way to Froedert Hospital via South 84th Street. The driver did not see the northernmost red light as he came out from under the freeway overpass on 84th. Mr. Chevere Ortega was turning south on to 84th Street from West O'Connor Street. He was driving Ms. Vazquez Martinez's 2017 Toyota Tacoma, she was also present in the vehicle. The ambulance hit the Toyota on the driver's side.

Claim: Ms. Vazquez Martinez has property damage to her vehicle which totaled the car. She did not have vehicle insurance and must reimburse the Toyota Finance Corporation the full value of the, at the time, new vehicle. Both Mr. Chevere Ortega and Ms. Vazquez Martinez also had substantial medical costs and some pain and suffering as a result of the injuries they each sustained in the accident.

Analysis: It is in the City's interest to settle the claim at this stage and avoid any additional costs of litigation if a lawsuit were filed. If a denial were issued a lawsuit is certain since



claimant has an attorney who filed the claim. Given the ambulance driver's failure to stop for the red light there is not much argument against the City's liability for the accident at hand; all that would be argued in litigation is the amount of the award. Both claimants have provided medical records to substantiate injuries and damages. The amount being recommended is reasonable as it relates to what might be awarded if the matter went to court.

Therefore, based on the above analysis, the City Attorney's Office recommends that the Council approve settlement of this claim for the amounts of \$38,500 and \$60,000, on behalf of claimants Armando Chevere Ortega and Joanna Vazquez Martinez, respectively.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rebecca Hammock", written over a horizontal line.

Rebecca Hammock
Principal Assistant City Attorney