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September 28, 2020

Common Council
City of West Allis

RE: Joshua Miranda Claim

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. This office's recommendation is to resolve this claim for \$13,500.00 based on the summary below:

Facts: Officer Niemuth with the West Allis Police Department rear-ended the vehicle Mr. Miranda was driving on October 16, 2019. The officer admitted he was not paying attention as he ran a license plate. He did not notice that traffic ahead had stopped and rear-ended Mr. Miranda pushing Mr. Miranda's vehicle into another car as well.

Claim: Mr. Miranda has medical costs, lost wages, and pain and suffering as a result of the injuries 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. There is no doubt that the City is liable given the facts; all that would be argued in litigation is the amount of the award. Claimant has provided medical records to substantiate his injuries, including months of physical therapy. 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 Office's recommendation is to settle this claim for the amount of \$13,500.00.

Respectfully submitted,

Rebecca Hammock
Principal Assistant City Attorney