

Resolution 94 -07

Disallowance of Claims of Courtney Doolittle, Jerome Doolittle and Kathrin Doolittle
and the State of Wisconsin Department of Health and Family Services

WHEREAS, on October 1, 2007 a Notice and Claim for Damages was filed with the Polk County County Clerk by Courtney Doolittle, Jerome Doolittle and Kathrin Doolittle and the State of Wisconsin Department of Health and Family Services, by and through the law firm of Meshbeshner & Spence, Ltd, attorneys for Courtney Doolittle, Jerome Doolittle and Kathrin Doolittle; and

WHEREAS, said Notice and Claim for Damages demands against Polk County as a result of a one-vehicle accident on October 9, 2006 wherein Courtney Doolittle sustained serious injuries, as follow:

1. Courtney Doolittle claims damages in the amount of \$500,000 for her injuries, pain and suffering and the effect on her ability to enjoy and participate in life;
2. Jerome Doolittle and Kathrin Doolittle, as parents of the minor child, Courtney Doolittle, claim damages in the amount of \$50,000 for economic losses, including lost income, mileage and out-of-pocket medical expenses; and
3. The State of Wisconsin Department of Health and Family Services asserts a claim of statutory subrogation in the amount of \$412, 218.95, as and for the cost of medical treatment and services provided to or on behalf of Courtney Doolittle.

WHEREAS, said Notice and Claim for Damages alleges that such accident and asserted damages were the result of the negligence of Polk County; and

WHEREAS, after review of said claims, the claims adjuster for Wisconsin County Mutual Insurance Companies/Aegis Corporation and the Corporation Counsel has recommended denial of said claims.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors denies the claims of Courtney Doolittle, Jerome Doolittle and Kathrin Doolittle and the State of Wisconsin Department of Health and Family Services, as made by and through the law firm of Meshbeshner & Spence, Ltd and filed with the Polk County County Clerk on October 1, 2007.

BE IT FURTHER RESOLVED that pursuant to Wisconsin Statute Section 893.80(1g) no action or claim may be brought against Polk County, or any of its officers, boards, committees, agents or employees after six months from the date of service of this notice.

BE IT FURTHER resolved that this resolution shall constitute a Notice of Disallowance and that a certified copy of same be served by certified mail, return receipt requested, to each Courtney Doolittle, Jerome Doolittle and Kathrin Doolittle, and the State of Wisconsin Department of Health and Family Services and to the law firm of Meshbesher & Spence, Ltd.

Funding Source: N/A

Funding Amount: N/A

Date Finance Committee Advised: _____

Effective Date: Upon Passage

Approved as to form: Jeffrey B. Fuge

Jeffrey B. Fuge, Corporation Counsel

Dated Submitted to County Board: October 16, 2007

County Board Action: Adopted

Submitted By:

Mary P. Buxton Neil Johnson