

**To:** President and Members of the Munster Town Council

**From:** David F. Shafer, IAMC, MMC, CMO, Clerk-Treasurer *DFO*

**Copy to:** Patricia L. Abbott, IAMC, MMC, Controller  
Dustin C. Anderson, Town Manager

**Date:** December 23, 2019

**Subject:** Settlement Agreement

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This is a request to settle a lawsuit stemming from a traffic accident which resulted in damage to Town property.

The traffic accident occurred at 1:30 p.m. on August 29, 2014, when a driver, originally westbound on 45<sup>th</sup> Street, attempted to turn left to become southbound on White Oak Avenue, but struck an eastbound vehicle, causing that eastbound vehicle to run off the road and strike the electrical cabinet and traffic signal controller box located to the southeast of the intersection of 45<sup>th</sup> and White Oak. Midwestern Electric repaired the cabinet and controller box at a cost of \$26,237.00. Efforts to recover the cost of damage to Town property were unsuccessful and the matter was turned over to Jonathan Petersen, Esq. for collection. Mr. Petersen filed a lawsuit on behalf of the Town of Munster against both drivers.

On December 6, 2019, Mr. Petersen received an offer to resolve the case for \$20,000.00. If resolution is not reached, there is a suggestion that an expert will be hired to review the itemization of damages and work of Midwestern Electric, thereby risking a lowering of the amount of the Town's recovery. Staff recommended accepting the offer to resolve the case for \$20,000.00.

**RECOMMENDED ACTION:**

By motion and voice-vote, settle the pending lawsuit by accepting a payment of \$20,000.00, less legal fees and costs.