



LAW DEPARTMENT

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January 7, 2022

HONORABLE CITY COUNCIL

RE: Neal, Yvette v City of Detroit
Case No: 19-016483-NF
File No: L19-00950 PH

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ^{NO}/CENTS (\$47,500.00)** is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ^{NO}/CENTS (\$47,500.00)** and that Your Honorable Body direct the Finance Director to issue a draft in that amount payable to **YVETTE NEAL** and **HER** attorney, **GOODMAN ACKER PC**, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No.19-016483-NF, approved by the Law Department.

Respectfully submitted,
Philip Hiltner
Assistant Corporation Counsel

APPROVED:
CHARLES RAIMI
Corporation Counsel

BY: /s/Krystal A. Crittendon
Krystal A. Crittendon
Supervising Assistant Corporation Counsel

Attachments

R E S O L U T I O N

BY COUNCIL MEMBER _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount **OF FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ^{NO}/CENTS (\$47,500.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **YVETTE NEAL** and **HER** attorney, **GOODMAN ACKER PC**, in the amount of **FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ^{NO}/CENTS (\$47,500.00)** in full payment for any and all claims which **YVETTE NEAL** may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained on or about 12/14/2018, and otherwise set forth in Case No.19-016483-NF, that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Lawsuit No. 19-016483-NF and, where deemed necessary by the Law Department a properly executed Medicare/CMS Final Demand Letter.

APPROVED:
CHARLES RAIMI
Corporation Counsel

BY: /s/Krystal A. Crittendon
Krystal A. Crittendon
Supervising Assistant Corporation Counsel

Approved by City Council: _____

Approved by the Mayor: _____

L A W S U I T S E T T L E M E N T M E M O R A N D U M

Neal, Yvette v City of Detroit

19-016483-NF

L19-00950PH

PLAINTIFF'S NAME: Yvette Neal

DATE OF INCIDENT: December 14, 2018

TIME OF INCIDENT: 10:40

LOCATION OF INCIDENT: State Fair Avenue at/near Ralston

SUMMARY OF INCIDENT: On the above date and time, Plaintiff, Yvette Neal, was a passenger on a City of Detroit bus traveling eastbound on State Fair near the intersection of Ralston. Another driver made a left turn off of Ralston onto eastbound State Fair without ensuring the road was clear. The other car pulled in front of the bus and caused an accident.

The accident caused severe damage to the other car, a 1995 Chevrolet Monte Carlo, crushing its entire back end. The bus's windshield was shattered, the left front head light was broken, and the bike rack on the front of the bus was bent.

Plaintiff claim she was standing on the bus when the accident happened. The accident caused her to fall to the floor of the bus on her left side. At the scene of the accident, Plaintiff complained of wrist pain. She was taken to Henry Ford Hospital by the Detroit Fire Department.

MEDICAL TREATMENT/DIAGNOSIS: At the hospital, Plaintiff presented with complaints of left wrist pain, left arm pain, and left knee pain. The physician assistant at the hospital noted Plaintiff had tenderness around her scapula and her forearm. She was given x-rays of her left wrist, left forearm, left shoulder, and left knee. She had no broken bones, and she was discharged from the hospital.

Plaintiff saw her primary care doctor twice within the first few days after the accident. He prescribed Motrin and muscle relaxers, and on the first visit she was given a Toradol injection.

Exactly one week after the accident Plaintiff went to see Dr. Jeffrey Parker at Spine, Sports, and Occupational Health. Plaintiff had complaints of pain in her neck and lower back, she said she had tingling in her left leg, and she had limited movement in her left shoulder and wrist. He disabled her from work (Plaintiff was a self-employed hair stylist), household chores, and driving. He also referred her for MRIs of her neck and left shoulder.

Plaintiff underwent those MRIs at Premier MRI. The MRI of her neck showed disc bulging at C4-5 and C6-7. Her shoulder MRI showed a partial thickness tear of tendons in her rotator cuff.

entitled to any of the benefits she is claiming will depend on whether they believe Plaintiff's treaters or the City's experts. This is very difficult to predict. Additionally, at her deposition, Plaintiff come across as a credible witness as did her friends who claim to have provided her household services.

On the other hand, Plaintiff's claim that she was disabled from work for the entire three years is a stretch, and some of the medical bills she is claiming appear to be unrelated to the accident. Plaintiff's own surgeon testified that the average recovery for the surgery he performed is three months.

Considering all of the above, the proposed settlement of \$47,500 with a waiver of future benefits would be a good outcome for this case. Plaintiff has allegedly suffered additional wage loss since case evaluation, yet she is accepting less than the case evaluation amount. She is also agreeing to waive future PIP benefits. This means she cannot continue medical treatment and seek payment from the City of Detroit. The lawyer handling Plaintiff's case has a track record of settling cases, having his client undergo additional treatment, and then suing the City again for the additional treatment. This settlement will resolve Plaintiff's claims related to this accident forever and will do so for a reasonable amount.

AMOUNT OF SETTLEMENT RECOMMENDED: \$47,500

RISK MANAGEMENT MEASURES: Not applicable as no individual City of Detroit employees were named in this matter and there is no allegation of fault against the City of Detroit or its employees.

DATE CITY COUNCIL APPROVED EMPLOYEE REPRESENTATION: Not applicable as no individual City of Detroit employees were named in this matter.

Philip Hiltner
LAWSUIT SETTLEMENT
\$47,500.00