



THE CITY OF KEY WEST

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Memorandum

To: The City Commission for the City of Key West
From: Ronald Ramsingh, Assistant City Attorney
Date: April 17, 2012
RE: Settlement of Tara Koenig's workers compensation case

Dear Mr. Mayor and Commissioners:

This worker's compensation case involves a compensable lower back injury that the Claimant sustained while on duty as a police officer. On July 3, 2003, the Claimant was engaged in a physical confrontation while apprehending a suspect.

The Claimant properly filled out a Notice of Injury and was sent to Dr. Cohen who administered conservative care, culminating in her reaching Maximum Medical Improvement on October 7, 2003 with a 7% impairment rating while noting that the Claimant would most likely need back surgery in the future. After 3 more years of pathology, the Claimant underwent a 2 level total disc replacement at L4-5 and L5-S1 on April 3, 2006.

Most recently, the Claimant has once again complained of significant pain in her lower back. After renewed diagnostic studies, her current physician is recommending a second lower back surgery of the same nature as the first. The projected cost of said surgery is in the \$60,000.00 range. Additionally, the exposure in lost wages (indemnity) during her recovery can reach \$47,810.00. Finally, given the lack of success the Claimant has experienced thus far regarding this claim, there is a chance that the Claimant can be

eligible for Permanent Total Disability benefits in the future if this second proposed surgery is not successful. PTD benefits are extremely costly and run for the rest of the Claimant's life.

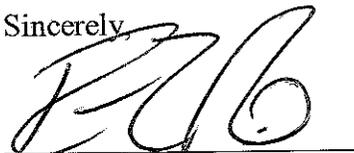
The city's adjuster with EMI is in agreement with this proposed settlement and likewise recommends that the City Commission approve same.

The Claimant resigned employment with the City of Key West and now resides in Texas. A full release and waiver has been executed by the Claimant pending your approval of the settlement.

Given the significant potential financial exposure in continuing to administer this claim, I recommend that the City Commission approve the proposed Settlement Agreement and authorize the City Manager to execute the final settlement documents accordingly. The Claimant's attorney's fees and costs will be deducted from the settlement proceeds and the city will not incur any non-salaried attorney fees or costs.

As always, please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Ramsingh', written over a horizontal line.

Ron Ramsingh
Assistant City Attorney