



DATE: March 13, 2023

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Patricia Cadilli as the lineal heir to Margaret L. Miller v. Wesley Bryan Cosgrove and the City of Colorado Springs 23CV030143*

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the employee involved.

NATURE OF THE CASE

Plaintiff, Patricia Cadilli, by and through her attorney, brought this claim, in the District Court of El Paso County Colorado, alleging that she is entitled to damages under Colorado's Wrongful Death Act in relation to an accident involving a City Firefighter and Margaret Miller. Ms. Cadilli is suing both the City and the Firefighter for the accident.

Specifically, Plaintiff alleges that on October 16, 2022, at around 3:00 pm, Firefighter Cosgrove, drove over Ms. Miller as she was sleeping in Dorchester Park. Plaintiff claims that Ms. Miller died from her injuries. Plaintiff further alleges that she is Ms. Miller's daughter and therefore entitled to seek damages for the accident. Plaintiff is asking for both economic and non-economic damages.

According to reports, on October 16, 2022, at approximately 2:46 pm, firefighters from the Colorado Springs Fire Department were dispatched in response to a fire in Dorchester Park. After arriving at the park, Firefighter Cosgrove, on orders from his commanding officer, drove a brush truck into the park. As he approached the fire, he slowly attempted to drive around a pile of items. After passing the items, he stopped the truck and began working to put out the fire. When an unidentified individual began pointing at the items, Firefighter Cosgrove walked over to them and pulled back a blanket revealing Ms. Miller, who until that point had been completely covered.

RECOMMENDATION

The Civil Action Investigation Committee has recommended that the City represent the above-named Firefighter as required by the Colorado Governmental Immunity Act. The Firefighter was acting in the course and scope of his employment and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.