



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: December 22, 2011  
To: Ways & Means/Budget Committee  
Referral to:

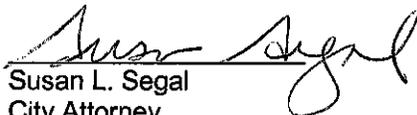
**Subject:** *Joseph Elliot v. Christopher Garbisch*  
United States District Court File No. 11-CV-00658-JRT/TNL

**Recommendation:** That the City Council approve the settlement of this case by payment of \$55,000 to Joseph Elliott and his attorney Frederick Goetz from Fund/Org. 06900 1500100 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Darla J. Boggs Phone: 612-673-2180

Approved by:

  
Susan L. Segal  
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

**Financial Impact (Check those that apply)**

- No financial impact (If checked, go directly to Background/Supporting Information).  
 Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.  
 Action provides increased revenue for appropriation increase.  
 Action requires use of contingency or reserves.  
 Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.  
 Other financial impact (Explain): Fund/Org. 06900 1500100 145400  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact**

**Background/Supporting Information**

Plaintiff Joseph Elliott brought a civil action alleging that Minneapolis Police Officer Christopher Garbisch unreasonably seized Plaintiff and used excessive force on July 23, 2009. These claims were expressly denied.

A settlement conference was held before Magistrate Judge Tony N. Leung on December 19, 2011. The City was represented by Council Member Elizabeth Glidden, MPD Deputy Chief Scott Gerlicher, and Assistant City Attorneys Timothy Skarda and Darla Boggs. A proposed settlement of all claims was reached in the amount of \$55,000.00, including all claims for damages, attorney's fees and costs. The parties involved believe that the proposed settlement is in the best interests of the City and recommend approval by this Committee and the City Council.