



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

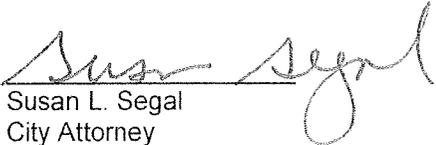
Date: July 25, 2012
To: Ways & Means/Budget Committee
Referral to:

Subject: Kenya Montgomery v. Timothy Devick, et al
United States District Court File No. 12-cv-757 JRT/JJG

Recommendation: That the City Council approve the settlement of this case by payment of \$40,000 to Kenya Montgomery and \$34,414.50 to his attorneys Gaskins Bennett Birrell Schupp LLP 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: Sara J. Lathrop Phone: 612-673-2072

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 Kenya Montgomery alleges that Minneapolis Police Officers used excessive force on him on May 30, 2011 during an arrest. He also alleges a *Monell* claim against the City. On July 5, 2012, Defendants made a Rule 68 Offer of Judgment in the amount of \$40,000, plus reasonable attorneys fees and costs. This was accepted by Mr. Montgomery. The parties have agreed that the fees and costs of Mr. Montgomery's attorneys can be satisfied with a payment of \$34,414.50, pending City Council approval.

For the foregoing reasons the City Attorney's Office recommends that the Council authorize payment to Kenya Montgomery on the Rule 68 Offer of Judgment in the amount of \$40,000.00, and authorize settlement of the claim for attorney's fees with payment to her attorneys, Gaskins Bennett Birrell Schupp LLP, in the amount of \$34,414.50.