



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

Date: October 3, 2012
To: Ways & Means/Budget Committee
Referral to:

Subject: *Bernard Miles v. City of Minneapolis et al. and Hennepin County et al.*
United States District Court File No. 12-CV-0919 (DWF/FLN)

Recommendation: That the City Council approve the settlement of all claims against the City of Minneapolis and its agents in this case by payment of \$4,500.00 to Bernard Miles and his attorney 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:

[Signature]
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 Bernard Miles brought a civil action alleging that the City of Minneapolis and its agents, Hennepin County and its agents unlawfully entered and searched his home and caused damage to his home on February 13, 2009. These claims were expressly denied.

Assistant City Attorney Darla J. Boggs entered into settlement discussions with Hennepin County and Plaintiff's counsel, Peter Nickitas, and reached a proposed settlement of all claims against the City of Minneapolis and its agents in the amount of \$4,500.00, including all claims for damages, attorney's fees and costs. This Office has had discussions with Deputy Chief Scott Gerlicher, and he agrees that the proposed settlement is in the best interests of the City. We therefore recommend approval by this Committee and the City Council.