



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

Date: November 28, 2012  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** *Eller, Carl v. City of Minneapolis, et al.*  
United States District Court File No.: 09-CV-002 DWF/FLN

**Recommendation:** That the City Council approve the settlement of this case by payment of \$2,000.00 payable to Plaintiff and his attorneys, Goins Law Office, from Fund/Org. 6900 150 1500 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: James A. Moore Phone: (612) 673-2063

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): \$2,000.00 from Fund/Org. 6900 150 1500 145400  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact**

City Goal(s): A Safe Place to Call Home

**Background/Supporting Information**

Plaintiff Carl Eller brought a suit alleging excessive force and a violation of the Minnesota Government Data Practices Act. On November 20, 2012, a settlement conference was held before United States Magistrate Judge Franklin Noel. The parties reached a proposed settlement for a total payment of \$2,000.00 payable to Plaintiff and his attorneys. The City was represented at the settlement conference by Jim Moore and Greg Sautter of the City Attorney's Office, Council Member Kevin Reich and Deputy Chief Scott Gerlicher. The City's representatives recommend the settlement reached at the settlement conference.