



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

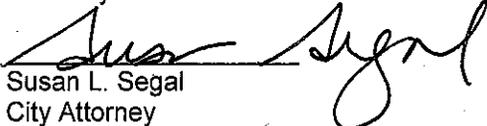
Date: December 28, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: *Cassandra Ward Brown vs. City of Minneapolis*
United States District Court Civil File No. 10-0060 (ADM/JSM)

Recommendation: That the City Council approve the settlement of this case by payment of \$10,000.00 payable to Cassandra Ward Brown and \$22,830.50 payable to her attorneys, Albert Goins and Ward Law Group, 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: Timothy S. Skarda Phone: (612) 673-2553

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. 6900 1500100 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

This case involves the use of force against the Plaintiff on June 16, 2009. The Plaintiff asserted federal causes of action pursuant to 42 U.S.C. § 1983 under the Fourth Amendment and Fourteenth Amendment for unreasonable search and seizure, the use of excessive force, the failure to prevent constitutional violations and equal protection violations. The Plaintiff also has asserted state causes of action for battery, assault, false arrest, intentional infliction of emotional distress, negligent infliction of emotional distress and violation of the Minnesota Human Rights Act.

The Plaintiff became involved in a dispute with Minneapolis police officers. The Plaintiff continued to question the officers and not respond to instructions. She was eventually placed into handcuffs.

The Plaintiff alleged that she received back, neck and shoulder injuries, as well as, a scar on her leg as a result of the use of force.

A Rule 68 offer of judgment was made in the amount of \$10,000.00 plus reasonable attorney's fees and costs incurred to the date of the offer. The Offer of Judgment was accepted by the Plaintiff. The Plaintiff's claim for attorney's fees was settled in the amount of \$22,830.00. The fees and costs sought by the Plaintiff closely approximate those expended by the City Attorney's Office in defending the case. The proposed resolution of the case has been reviewed and approved by the Minneapolis Police Department.

For the foregoing reasons the City Attorney's Office and the Minneapolis Police Department recommend that the Council authorize payment to Cassandra Ward Brown of the Rule 68 Offer of Judgment in the amount of \$10,000.00 and authorize settlement of the claim for attorney's fees with payment to her attorneys, Albert Goins and Ward Law Group, in the amount of \$22,830.50.