



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

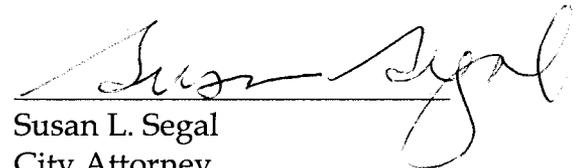
Date: August 27, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: *Lemuel Yorahee II v. Minneapolis Police Department*

Recommendation: The City Attorney's Office recommends that the City Council approve the settlement of this case by payment of \$12,000.00 to Lemuel Yorahee and his attorneys Batchelor Law Firm 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

Neighborhood Notification
City Goal(s):
Build Community

Background/Supporting Information

On December 18, 2004, at around 7:40 p.m., Minneapolis Police Department Sgt. David Voss was in a squad car parked on W. 26th Street at Nicollet Avenue, when a car sped by him at 40-45 mph. Sgt. Voss pursued the vehicle to pull it over, in the right-hand lane on 26th Street. As he was attempting to catch up to the vehicle, he looked down to enter the vehicle's license plate into his computer to check if it was stolen. Just then, Lemuel Yorahee's vehicle was exiting from an alley between Nicollet Avenue and Blasidell Avenue, onto 26th Street. Sgt. Voss' squad car struck that vehicle. Mr. Yorahee claims that his body was jerked side-to-side and he struck a panel on the interior of the car. He claims he suffered back, neck, shoulder and wrist injuries, and headaches. He was treated by a chiropractor for his injuries for more than a year. His insurer has paid for approximately \$20,000 in medical bills.

If this case went to trial, Mr. Yorahee would have a strong claim for liability against the City because Sgt. Voss admits that he took his eyes off the road while speeding after another car. Mr. Yorahee would also likely be able to prove some damages, as he has medical records showing at least soft-tissue damage that required treatment. His expert will testify that the injuries are ongoing and require treatment. There is also a claim for pain and suffering and lost wages.

Plaintiff initially demanded \$35,000, but the City Attorney's Office was able to negotiate a proposed settlement of \$12,000. Because of the likelihood of liability and the costs of mounting a defense and proceeding to trial (including retaining a medical expert and obtaining medical records), the City Attorney's Office recommends settling this lawsuit for \$12,000. MPD Deputy Chief of Patrol Rob Allen has approved this proposed settlement in the amount of \$12,000.

RECOMMENDATION

The City Attorney's Office recommends that the City Council approve the settlement of this case by payment of \$12,000 to Lemuel Yorahee and his attorneys Batchelor Law Firm from Fund/Org. 06900-1500100-145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.