



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

Date: August 23, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Kevin Stoll v. City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$2,207.60 payable to Kevin Stoll and his attorneys, Rice, Michels and Walther from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

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

Approved by: Jay M. Heffern
City Attorney

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Presenter in Committee: Jay M. Heffern, 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.
- X Other financial impact (Explain): Fund/Org. 6900 150 1500 4000
- 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

Lieutenant Kevin Stoll has initiated a lawsuit under the Minnesota Data Practices Act for violation of his privacy rights under the Act. The case arose when an Internal Affairs investigative file relating to Lieutenant Stoll was released to the attorney for the Complainant, during the pendency of the investigation. The Complainant lodged a complaint against Lieutenant Stoll and the Internal Affairs Unit conducted an extensive investigation into the complaint. The complaint lead to separate civil litigation which is still ongoing.

During the pendency of the Internal Affairs investigation, the Complainant's attorney requested a copy of the file. Internal Affairs made a copy of the file and provided it to the City Attorney's Office for production to Complainant's attorney. Unfortunately, a miscommunication occurred wherein Internal Affairs believed that the attorney would review the file for privacy concerns and the attorney believed that Internal Affairs had already redacted the file for production to Complainant. As a consequence, the unredacted file was produced to the Complainant's attorney. On learning of the error, the City Attorney's Office immediately advised Lieutenant Stoll of the error and brought a motion to subject the entire file to a protective order in the pending civil litigation. The court ordered that any documents from the file utilized in

the litigation would be filed under seal, however the court ruled that it did not have jurisdiction to order return of the file to the City. Lieutenant Stoll then sued the City over release of the file.

Because the City admits that it made a mistake and violated the statute in releasing the unredacted file, the City Attorney's Office recommends settlement of the case. We have been able to negotiate a settlement including all claims for damages and attorney's fees by Lieutenant Stoll in the amount of \$2,207.60.

RECOMMENDATION

The City Attorney's Office recommends settlement of this above-referenced in the amount of \$2,207.60 payable from Fund/Org 6900 150 1500 4000.

cc: Chief Timothy Dolan

JAM/H HP/ 05L-0361