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

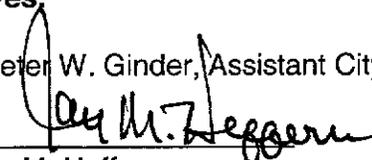
Date: March 26, 2003
To: Ways & Means/Budget Committee
Referral to:

Subject: Kevin C. Fasthorse v. City of Minneapolis, et al.
Court File No.: 02-1822 (JRT/JSM)

Recommendation: That the City Council approve settlement of this matter for the sum of \$6,000.00, payable to Kevin C. Fasthorse and his attorney, Eric Hageman, from Fund/Org. 690 150 1500 4000.

Previous Directives:

Prepared by: Peter W. Ginder, Assistant City Attorney Phone: 673-2478

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

<p>Financial Impact (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): 690 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>

<p>Community Impact: City Goals: Build Community</p>

Background/Supporting Information

This lawsuit arises out of an incident occurring on October 7, 2001. Minneapolis Police Officers Jason Case and Gene Suker observed a Pontiac motor vehicle run a red light on 36th Street and Hiawatha Avenue. The officers attempted to initiate a traffic stop but the driver of the vehicle refused to stop. The officers pursued the fleeing the vehicle through the local neighborhoods until the fleeing vehicle crashed into an attached garage of a residence located at 3609 28th Avenue South. When the vehicle crashed into the closed garage door, the car slid into the garage and the door fell back into place preventing the officers from getting inside. Officer Case observed an individual exit the vehicle through a crack in the door and enter the house. When

Kevin C. Fasthorse v. City of Minneapolis, et al.

Court File No.: 02-1822 (JRT/JSM)

March 26, 2003

Page 2

no one responded to knocking on the door, the officers broke down the door, entered the house and located Plaintiff upstairs. Plaintiff, who lives at the address, was the only person the officers found in the house. According to the officers, when they entered the house they saw the Plaintiff with a small cut on his leg as well as a small cut under his eye. Plaintiff, who was in his underwear, asserts that when the officers rushed in the house after he had been awakened from sleep, they knocked him to the ground causing injuries to his eye. He also claims he was kicked or punched by the officers. Although Plaintiff was arrested and charged, the Hennepin County Attorney's Office ultimately dismissed the charge against the Plaintiff. The parties have completed discovery in this case and have engaged in settlement discussions. Subject to Council approval, the parties have agreed to resolve this matter by payment from the City of Minneapolis to Plaintiff and his attorney in the amount of \$6,000.00, which is a full and final settlement of all claims, including attorney's fees.

02L-0311 W&M ltr 3.26.03