



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

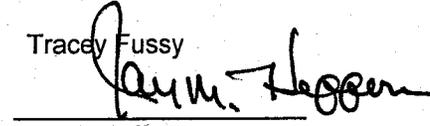
Date: January 14, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: Claim of Elisa Montgomery

Recommendation: That the City Council approve the settlement of this case by payment of \$7,500.00 payable to Elisa Montgomery, 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: Tracey Fussy Phone: (612) 673-2254

Approved by: 
Jay M. Heffern
City Attorney

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.
 Other financial impact (Explain): \$7,500 from Fund/Org. 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

On April 15, 1999, officers of the Minneapolis Police Department (herein "MPD") conducted a search at Claimant's residence in connection with a fraud investigation. Officers seized most of her belongings, including electronics and furniture. Claimant was convicted of fraud and sentenced to 24 months in prison.

Claimant brought a motion in Hennepin County District Court in February 2003 seeking the return of her seized property and money. In May 2003, Hennepin County District Court Judge Robert Blaeser ordered the MPD to return her personal property to her that was held in Property and Evidence. The MPD did not return her property and has since destroyed it.

Pursuant to Minn. Stat. §626.04 evidence held by law enforcement is under the direction of the court, under the court's control and may be ordered returned by the court.

Claimant demanded \$12,000 to settle the claim. After negotiations, a proposed settlement was reached in the amount of \$7,500.00. The settlement amount has been reviewed and approved by the City Attorney Litigation Committee. Therefore, staff recommends approval of the settlement.