



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

Date: March 16, 2005
To: Ways & Means/Budget Committee
Referral to:

Subject: Eric Iverson v. City of Minneapolis, et al.
United States Court File No.: 04-4141 RHK/JSM

Recommendation: That the City Council approve settlement in the above-referenced matter in the amount of \$2,500.00 made payable to Eric A. Iverson and his attorneys Goins & Wood, P.C. and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement.

Previous Directives:

Prepared by: James A. Moore, Assistant City Attorney Phone: 673-2063

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
 Action requires an appropriation increase to the Capital Budget
 Action requires an appropriation increase to the Operating Budget
 Action provides increased revenue for appropriation increase
 Action requires use of contingency or reserves
 Other financial impact (Explain): Fund/Org 6900 150 1500 4000
 Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

On September 22, 2002, Minneapolis Police Officer Steven Blackwell was working in an off-duty capacity for the Minnesota Vikings performing security functions at a Minnesota Vikings football game. Other security officers observed individuals within the stands throwing paper airplanes and asked a number of individuals to step from the seating area out into the concourse. Plaintiff Eric Iverson claims that an acquaintance of his was among those asked to leave the seating area, but denies that he was involved in throwing airplanes or that he was asked to leave. Mr. Iverson claims to have voluntarily followed his acquaintance out into the concourse area. A short time later, Mr. Iverson attempted to return to his seat,

but was stopped by Officer Blackwell who believed that Plaintiff was sneaking away from the other security officers and that he had been a participant in the earlier disorderly conduct. A short struggle ensued in which Plaintiff was taken to the ground. When he fell to the ground, he struck his eye causing a severely swollen eye. He was cited for disorderly conduct and transported to Hennepin County Medical Center. Plaintiff declined medical treatment at Hennepin County Medical Center but went that same day to the Mayo Clinic. Plaintiff claimed excessive force and alleged lost wages in addition to his physical injury. Plaintiff sued Officer Blackwell, the Minnesota Vikings, and the Metropolitan Sports Facilities Commission.

A settlement conference was held on March 10, 2005. In attendance for the City were Inspector Wurster, Officer Blackwell, and Assistant City Attorney C. Lynne Fundingsland. At that conference, a settlement was reached, contingent upon approval by the City Council. The settlement provides that the City of Minneapolis will pay \$2,500.00, the Metropolitan Sports Facilities Commission will pay \$1,000.00, and the Minnesota Vikings will pay \$9,750.00 to Plaintiff for full and final settlement of all claims, including claims for attorneys fees. All parties present at the conference were in agreement with this proposed settlement. During the conference, Fundingsland spoke with Council Member Lane who was also in agreement with this amount for settlement. The settlement negates the need for further litigation between the Defendants as to the responsibility to defend and indemnify Steven Blackwell. The City Attorney recommends settlement because, if the jury were to believe Plaintiff's version, there would have been no cause for his arrest and the resultant injury due to the arrest.

For the foregoing reasons the City Attorney recommends approval of the settlement in the amount of \$2,500.00 payable from Fund/Org 6900 150 1500 4000 to Eric A. Iverson and his attorneys Goins & Wood, P.C. and further recommends that the City Council authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.