



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

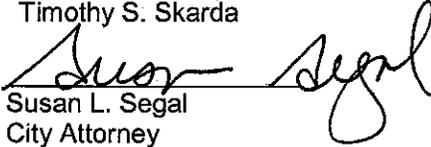
Date: June 1, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: *Curtis Shelmon vs. City of Minneapolis*
Notice of Claim

Recommendation: That the City Council approve the settlement of this claim by payment of \$23,500.00 payable to Oppenheim Law, LLC Trust Account, 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: Timothy S. Skarda Phone: (612) 673-2553

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. 6900 1500100 145400
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): A safe place to call home

Background/Supporting Information

This claim involves the arrest and use of force against Curtis Shelmon on May 17, 2007. While Mr. Shelmon has not filed a lawsuit, we anticipate that a lawsuit would include federal causes of action for false arrest and use of excessive force pursuant to 42 U.S.C. § 1983 under the Fourth Amendment and Fourteenth Amendment.

On May 17, 2007, a vehicle driven by Mr. Shelmon's cousin was stopped for a semaphore violation. During the traffic stop it is alleged that the claimant, Curtis Shelmon, approached the squad car and was ordered to leave the scene because he was interfering with the traffic stop. Mr. Shelmon was placed under arrest for interfering and force was used to subdue and handcuff him. Mr. Shelmon received some pain and bruising from the use of force.

This claim was reviewed by the City Attorney Litigation Committee and discussed with the Minneapolis Police Department. We were allowed to review the time records from Mr. Shelmon's attorney, since attorney's fees and costs would be recoverable if the claim were put into suit. A settlement of all claims, including fees and costs, was negotiated in the amount of \$23,500.00. The proposed settlement is at an amount recommended by the Litigation Committee and has been approved by the Minneapolis Police Department.

We believe that the proposed settlement is in the best interests of the City. We recommend approval by this Committee and the City Council.