



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

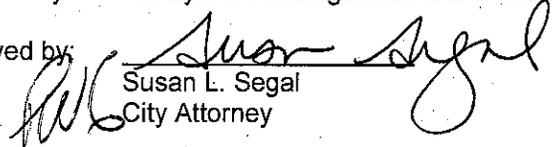
Date: March 15, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: Nicole Madison vs. Willis, U.S. Dist. Ct. File No. 09-CV-930 (DWF/AJB)

Notice: That the City Council approve the payment of the jury verdict and fees and costs ordered in this matter in the amount of \$21,000.00 and \$275,490.07, respectively, from Fund/Org. 06900-145400, and authorize the City Attorney's Office to execute any documents necessary to effectuate final settlement.

Previous Directives:

Prepared by: C. Lynne Fundingsland / Darla J. Boggs Phone: (612) 673-3339 / 673-2180

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 06900-145400
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): Build Community

Background/Supporting Information

Plaintiff Nicole Madison brought suit against Minneapolis Police Officer Daniel Willis, claiming excessive force. Shortly after 2:00 a.m. on December 8, 2008, Ms. Madison was standing outside the Aqua and Envy bars on Fourth Street during Sunday night bar closing, when she was struck in the face. She sustained a small laceration to her right cheek that required stitches and was transported to Hennepin County Medical Center.

Ms. Madison claimed that Officer Willis punched her in the face as he was moving the crowd along. Officer Willis denied these allegations but admitted that he pushed individuals along in an effort to break up a fight that was beginning to occur and to get the crowd to disburse. A jury trial was held on December 6 – 9, 2010, in federal court and the jury determined that Officer Willis used excessive force on Ms. Madison and awarded her \$21,000.00.

Following the trial of this matter, Plaintiff's counsel, Flynn Gaskins (n/k/a Gaskins, Bennett, Birrel, Schupp, LLP), sought fees and costs in excess of \$258,000.00. The City Attorney's Office objected to the amount and nature of Plaintiff's request for fees and costs. Ultimately, the Court reduced Plaintiff's fees by a small amount,

and awarded Plaintiff's counsel a total of \$275,490.07, in fees and costs for bringing the lawsuit. Based on the judgment and order in this matter, the City is required to pay Plaintiff \$21,000.00 in damages, and her counsel \$275,490.07 in fees and costs.

DB/DB/ 09-12755