



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

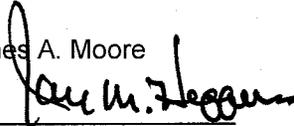
Date: October 04, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Jane Doe DR v. City of Minneapolis and Brian Potocnik.

Recommendation: That the City Council approve the settlement of the case of *Jane Doe DR v. City of Minneapolis* by payment of \$2,500.00 payable to Plaintiff and her attorney, Brant D. Penney, Reinhardt Wendorf & Blanchfield, and payment of the entire fee for recently completed mediation in the amount of \$3,325.00 from Fund/Org. 6900 150 1500 4000 and further authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: James A. Moore Phone: (612) 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 (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): \$5,825.00 from Fund/Org 690 150 1500 4000
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

Other: Build Community

Background/Supporting Information

Plaintiff alleges that she became involved in an intimate relationship with former Minneapolis Police Officer Brian Potocnik after meeting him when he was working off-duty as a police officer in her high school. Plaintiff alleges that she began a sexual relationship with Potocnik prior to the time that she was 18 and that the sexual relationship was engaged in, at least in part, while Potocnik was on duty for the Minneapolis Police Department. Upon learning of the relationship, the Police Department fired Potocnik. Plaintiff sued Potocnik and the City of Minneapolis. The City declined to defend and indemnify Potocnik against the lawsuit. Plaintiff's claims against the City allege negligent hiring, negligent retention and negligent supervision of Potocnik. The parties engaged in private mediation of the lawsuit prior to the lawsuit being filed with the Hennepin County District Court. The parties were able to reach a negotiated settlement. The settlement between Potocnik, individually and the Plaintiff is confidential. The City was able to negotiate a full release of any and all claims against the City for payment of \$2,500.00 to Plaintiff and her attorneys, the City's agreement to return certain personal items to Plaintiff and to pay the cost of the mediation. The City vehemently denies any negligence in the hiring, retention or supervision of Potocnik and maintains that it acted promptly to terminate his employment upon learning of the relationship with Plaintiff. However, because of the possibility that a court might find vicarious liability of the City for

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actions of Potocnik taken while he was on duty for the City, the City Attorney recommends that the City enter into this settlement of the lawsuit.

cc: Chief Timothy Dolan

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