



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

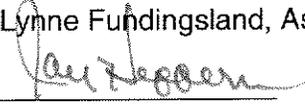
Date: August 16, 2004  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Alice Hayes, as Trustee for the Estate of Sean Flannery Hayes v. City of Minneapolis, et al.  
United States District Court File No.: 03-3299 (DWF/SRN)

**Recommendation:** That the City Council approve the settlement of this case by payment of \$6,000.00 payable to Alice Hayes, as Trustee for the Estate of Sean Flannery Hayes and her attorney Albert T. Goins, 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: C. Lynne Fundingsland, Assistant City Attorney Phone: 673-3339

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 May 14, 2000, Minneapolis police attempted to stop Sean Flannery Hayes, as they suspected that he had tried to lure children into his vehicle. Hayes did not stop for the police, and police then began a chase of Hayes through south Minneapolis. It was a fairly low speed chase, with Hayes driving approximately 35 to 40 miles per hour; however, Hayes drove through several semaphores and stop lights and refused to stop for the police. Many squads got involved in the chase and finally, at 36<sup>th</sup> Street between 2<sup>nd</sup> Avenue

and 3<sup>rd</sup> Avenue South, Hayes' vehicle jumped the curb. As the squads moved in to block his escape, Hayes attempted to ram a squad and ran over the foot of one of the officers. Several officers opened fire and Hayes was killed.

Alice Hayes, Sean Hayes' mother, brought suit in United States District Court against the City and the five individual officers who had fired at Hayes. Hayes alleges, among many other claims, wrongful death, negligence, and negligent training and supervision.

The parties have reached a proposed settlement which is the payment of \$6,000.00 for full and complete resolution of the matter, including attorneys fees. While the City and the officers have raised numerous defenses, the cost of this litigation will be fairly high, as Plaintiff has retained an expert to analyze the reasonableness of the chase and the shooting, which, therefore, necessitates the City retaining an expert. Should Plaintiff prevail on any of the federal constitutional claims, any verdict would include attorney's fees. I have discussed this proposed settlement with Chief McManus, and he is in agreement with it.