



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

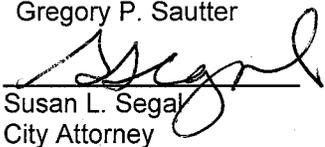
Date: July 15, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: *Edith Madora Hudson v. City of Minneapolis and John Mills*
Court File No.: 04-cv-3313 (JNE/FLN)

Recommendation: That the City Council authorize settlement of the matter of *Edith Madora Hudson v. City of Minneapolis and John Mills*, Court File No.: 04-cv-3313 (JNE/FLN) in the amount of \$25,000.00, payable to "Goins Law Offices, LTD., for and on behalf of Edith Madora Hudson," and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement from Fund/Org. 6900 150 1500 4000. Included in this recommendation is an agreement by John Mills to reimburse the City of Minneapolis, a total of \$5,000.00 in equal monthly payments, without interest, over the course of five years.

Previous Directives:

Prepared by: Gregory P. Sautter Phone: (612) 673-2683

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 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): Build Community

Background/Supporting Information

Plaintiff Hudson alleges that on more than one occasion during the summer of 2003, Officer John Mills, while in his official capacity, placed Hudson into his squad car and took lewd photographs of her. Hudson also alleges sexual contact with Mills. Mills admits to taking lewd photographs of Hudson on one occasion, but denies all other allegations. Soon after the one confirmed incident, Hudson reported Mills' conduct to MPD and an internal affairs investigation was initiated. Following the investigation, Mills was charged with a violation of the Code of Ethics and was discharged, effective March 3, 2004.

The City declined to provide defense or indemnification to Officer Mills, and the City's decision was upheld by an administrative law judge. Mills is represented by Attorney Gregg Corwin.

Hudson brought an eighteen count suit against the City of Minneapolis and John Mills. Hudson asserts constitutional violations, Minnesota Human Rights Act violations, negligent hiring, negligent retention, negligent supervision, and numerous intentional torts. The City brought a motion for summary judgment, and, on March 23, 2006, Judge Erickson denied in part and granted in part the City's motion. As a result of the Court's decision, all counts still stand against John Mills. The counts left against the City are negligent retention, negligent supervision, a claim of sex discrimination under the Minnesota Human Rights Act, and alleged vicarious liability for a bias crime.

After extensive negotiation on the eve of trial, the parties reached a tentative settlement in the amount of \$27,500.00. The City will pay Ms. Hudson \$25,000.00. Mills reached an agreement to pay Ms. Hudson \$2,500.00. As part of the agreed settlement, Mills will reimburse the City \$5,000.00 in equal monthly payments over the period of five years, without interest. The settlement is a total agreement, dependent on acceptance by all parties. The settlement was put on the record on June 30, 2008, before Federal Judge Joan Ericksen. Minneapolis Police Deputy Chief Wurster has been actively involved in this matter as she was the commander of IAD when Mills was being investigated. She is aware of this settlement and supports it. While the City has certain defenses to this matter, the City Attorney recommends this settlement as being in the City's best interest.