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

Date: September 17, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: *Symone Taylor vs. City of Minneapolis*
U.S District Court File No. 08-600 DWF/AJB

Recommendation: That the City Council approve the settlement of this case by payment of $15,000.00, payable to Symone Taylor and her attorneys Albert T. Goins and Damon Ward from Fund/Org. 06900 1500100 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None.

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.
_X_ Other financial impact (Explain): Payment from Fund/Org. 06900 1500100-145400
___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Build Community

Background/Supporting Information

This lawsuit involves the arrest of the Ms. Taylor on February 3, 2006. She alleges causes of action for assault, battery, false arrest, intentional infliction of emotional distress, negligent infliction of emotional distress, excessive force, due process violations, violation of 42 U.S.C. §1985, a *Monell* claim, violation of 42 U.S.C. §1986 and violation of the Minnesota Human Rights Act. The Plaintiff is represented by Albert T. Goins and Damon Ward. A tentative settlement of all claims was reached in the amount of $15,000.00, including claims for costs and attorneys' fees.

Officers testified that Ms. Taylor, who was a friend of the person being arrested, attempted to interfere in the arrest. Ms. Taylor testified that she was standing a watching the arrest when she was pushed into a wall striking her head and additional force was used against her. The officers testified that Ms. Taylor was slapped in the face with an open hand; kicked in the ribs; sprayed with chemical irritants; and stunned with a Taser.

Ms. Taylor was issued a citation for disorderly conduct arising out of an incident that took place on February 3, 2006. She was released at the scene after refusing any medical attention.

Ms. Taylor alleges that her face was cut resulting in permanent scarring below her eye. She alleges back pain and headaches. She alleges that the headaches continue to date. She alleges that she suffered a traumatic brain injury that has resulted in loss of short term memory. A medical evaluation indicated that she does suffer cognitive limitations but that they were only minimally exacerbated from this incident.

On September 15, 2009, a settlement conference was scheduled before Magistrate Judge Arthur J. Boylan, attended by Council President Barb Johnson, Deputy Police Chief Scott Gerlicher, Assistant City Attorney Timothy Skarda and the named police officers. A proposed settlement in the amount of $15,000.00 was reached and approval of the settlement is recommended by all parties.