



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

Date: October 8, 2003  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Strickling v. City of Minneapolis  
United States District Court File No.: 01-2358 MJD/SRN

**Recommendation:** That the City Council approve settlement of the above-referenced matter in the amount of \$85,000.00 payable to James A. Strickling and his attorney, Willard Wentzel, payable from Fund/Org 690 150 1500 4000 and further authorize the City Attorney's Office to execute all documents necessary to finalize the settlement.

**Previous Directives:**

Prepared by: C. Lynne Fundingsland, Assistant City Attorney Phone: 673-3339

Approved by: *Jay M. Heffern*  
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

<p><b>Financial Impact</b> (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): \$85,000.00 payable from Fund/Org 690 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> None</p>
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**Background/Supporting Information**

On December 8, 1999, at approximately 4:40 p.m., Minneapolis police officers responded to 3546 Girard Avenue North in Minneapolis, Minnesota, on a stabbing call. Officers arrived at the front of the address and heard a large commotion coming from a doorway on the south side of the address. The officers went to the south door and observed three parties upstairs, who were later identified as Sheila Lynn Strickling, Anthony

Range, and the Plaintiff. Range was standing and bleeding profusely from his chest area. Strickling, Range, and Plaintiff were among a group of 12-15 people in the upstairs of this address. Officers shouted up to the group, asking them to come downstairs. Range merely shouted profanities at the officers and yelled that they had to come upstairs. Officers asked Range who had stabbed him and he pointed toward Sheila Strickling. The officers once again ordered the parties to come downstairs, as the officers feared for their safety due to the fact that it was a narrow stairwell leading upstairs and, if the parties intended to inflict harm on the officers, they would have had little chance to defend themselves or retreat.

Range, Sheila Strickling, and Plaintiff refused the officers' orders. Officer Stender recalls that at one point, when asked who the stabber was, Range pointed toward the Plaintiff. Officers went upstairs in order to secure the scene so that medical services could be rendered to the victim. Once upstairs, the officers ordered everyone present to lay down so that they could control the scene. At that point, officers were unsure who the suspect or suspects were, or which of the people present were armed. Therefore, they ordered everyone to the floor.

As the officers were trying to gain control of the scene, Plaintiff began retreating into the apartment. Fearing that Plaintiff may have had a weapon on him, Stender attempted to do a leg sweep on Plaintiff's right leg and push him down to the ground by pushing on his shoulders and head. Plaintiff went to the floor and, while doing so, hit his eye on an electric space heater that was mounted on the west wall of the living room approximately six inches up from the floor. He was then handcuffed. Stender, realizing the injury to Plaintiff's eye, immediately notified emergency medical services of the injury and had them attend to the Plaintiff. As a result of Plaintiff's struggle with the police, he lost his left eye.

The parties engaged in a settlement conference with Magistrate Judge Janie Mayeron on September 26, 2003. Plaintiff initially demanded \$275,000.00. After extensive discussions, the parties agreed to a settlement of the matter, including attorney's fees, for \$85,000.00, subject to approval by the City Council.

The City Attorney recommends that the Finance Officer be authorized to issue a settlement check to James A. Strickling and his attorney, Willard Wentzel, in the amount of \$85,000.00 payable from Fund/Org 690 150 1500 4000 and further recommends that the City Attorney's Office be authorized to execute any documents necessary to finalize the settlement.