



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

Date: January 7, 2005
To: Ways & Means/Budget Committee
Referral to: None

Subject: Willie Cash v. City of Minneapolis et al., Hennepin County District Court, served, not filed.

Recommendation: That the City Council approve settlement of the lawsuit filed by Willie Cash in Hennepin County District Court in the amount of \$25,000.00, payable to Willie Cash and Paul Eng, his attorney, authorize the payment of costs and reasonable attorneys' fees in an amount to be determined by the court or negotiated between the parties and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

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): Payment from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

The present case arises out of an incident between the Plaintiff, Willie Cash, and Officer Matt Olson in the early morning hours of December 11, 2002, after the Fifth Precinct holiday party. At approximately 1:00 am, Officer Olson left the party and drove his vehicle the wrong way down 5th street while intoxicated. An altercation ensued with the driver of another vehicle, Mr. Willie Cash. Words were exchanged between the parties. The verbal exchange turned physical and a weapon was drawn and lost by Officer Olson.

Cash v. City of Minneapolis

January 7, 2005

Page 2

The Plaintiff has brought a lawsuit alleging violations of 42 U.S.C. § 1983 for the use of excessive force, assault, battery and claims that the City negligently supervised Officer Olson on the night of the party. The settlement was reached before the City had to respond to the Complaint.

The case was considered by a closed session of the City Council on November 19, 2004. An Offer of Judgment in the amount of \$25,000.00, plus reasonable attorney's fees was authorized by the Council. The Plaintiff accepted the Offer of Judgment on January 5, 2005. The issue of attorney's fees remains to be resolved by negotiation between the parties or through court order.