



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

Date: November 4, 2004
To: Ways & Means/Budget Committee
Referral to:

Subject: Robert Michurski v. City of Minneapolis
Hennepin County District Court File No.: 01-454

Recommendation: That the City Council approve a negotiated settlement in the amount of \$5,000.00 to settle all employment claims of Robert Michurski, to be payable according to instructions of the City Attorney's Office to be furnished to the Finance Department, from Fund/Org. 6900 150 1500 1400, and that the City Council authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: Scott Reeves, Assistant City Attorney Phone: 673-2066

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 1400
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Neighborhood Notification
City Goals:
Comprehensive Plan
Zoning Code
Other

Robert Michurski v. City of Minneapolis
Hennepin County District Court File No.: 01-454
November 4, 2004

Background/Supporting Information

Robert Michurski, an active Minneapolis police officer, applied for a position as an investigator in the Minneapolis City Attorney's Office in 1999. He was not selected for the position. A female with previous experience as an insurance claim representative was hired. Michurski had experience as a police officer detailed by his department to the City Attorney's Office as a civil claims investigator.

Michurski sued in Hennepin County District Court alleging (1) that former City Attorney Surrell Brady promised him the position verbally; and (2) that he was subjected to age discrimination. Michurski's claims were dismissed on summary judgment by the Hennepin County District Court. The Minnesota Court of Appeals affirmed dismissal of the verbal promise claim, but reversed the age discrimination ruling and remanded it for trial.

The City has referred the defense of this case to an outside law firm. Our outside defense counsel has advised that the City has a strong defense on the facts and the law. However, there is a risk that Michurski could prevail at trial, which would expose the City to significant monetary damages. Also, the cost of defense through a trial would significantly exceed the amount of this recommended settlement.

At a mediation session on November 3, 2004, the parties reached a settlement of the case in the amount of \$5,000.00. The settlement is part of a global settlement of all of Michurski's workers' compensation claims and employment claims. The settlement includes a release of all potential employment claims and a resignation. The specific allocation of the \$5,000.00 settlement proceeds between Michurski and his attorney has not yet been determined. The City Attorney's Office will provide specific instructions to the Finance Department to process the settlement proceeds.

The City Attorney's Office recommends settlement in the amount of \$5,000.00.

SR:hnp WC16145