



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

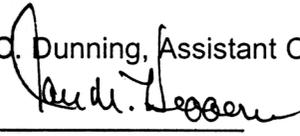
Date: January 24, 2002
To: Ways and Means/Budget Committee
Referral to: None

Subject: Settlement of Kopp v. Blavert and City of Minneapolis

Recommendation: That the City Council authorize the execution of a Stipulation of Dismissal and mutual releases of property damage claims.

Previous Directives:

Prepared by: William C. Dunning, Assistant City Attorney Phone: 673-2473

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):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information Attached

On September 8, 1999, Police Officer Darren Thomas Blavert was on duty near downtown Minneapolis. When he received a radio call to assist an ambulance, he began to travel westbound on 5th Street toward 3rd Avenue South with emergency equipment operating. Officer Blavert drove into the intersection against a red light and collided with a 1996 Ford Explorer driven by Mr. Kopp. That vehicle was northbound on 3rd Avenue and had the green light. Mr. Kopp states that he did not see the red lights of the squad car until an instant before the collision and did not hear a siren.

The lawsuit was begun to recover the cost of the damage to the Explorer; \$18,303.00. We have counterclaimed for the damage to the squad car; \$10,458.00. At a recent court directed arbitration the attorneys have agreed to settle the case by executing a Stipulation of Dismissal and mutual releases, subject to the approval of the City Council.

I would recommend settlement. Although we believe the police officer was acting properly, the Kopp vehicle did enter the intersection upon a green light. Therefore, the City will not recover unless a fact finder determines that Kopp heard the siren and disregarded the emergency vehicle. Further, the City could be held responsible for the damage to the Explorer.

01L-0090