



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

Date: June 6, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: *Brendon Schram v. City of Minneapolis*
Court File No. 10-cv-02797 JRT-TNL

Recommendation: That the City Council approve the settlement of this case by payment of \$37,500.00 to Brendon Schram and his attorney, Albert T. Goins, Sr. from Fund/Org. 06900 1500100 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by: 
Susan L. Segal
City Attorney

file

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.
- Other financial impact (Explain): Fund/Org. 6900 1500100 145400
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): A safe place to call home

Background/Supporting Information

This lawsuit alleges age discrimination, retaliation and interference with pension benefits asserted pursuant to Age Discrimination in Employment Act; 42 U.S.C. Section 1981; and the Minnesota Human Rights Act.

The Plaintiff is a 54 year old police officer who has been a member of the police department since 1986. The Plaintiff alleges that he sought to work additional overtime to maximize his pension benefits, but was prevented from doing so; and that between September 2006 and the summer of 2007, he was inappropriately subjected to disciplinary proceedings by the City because of his age. The Plaintiff asserts that he reported the discriminatory conduct to the City, as well as, racial remarks made by a supervisor. The Plaintiff alleges that he was subjected to increased scrutiny and retaliation after having made the reports of discriminatory conduct. The City disputes the Plaintiffs allegations and the reasons for the actions taken toward the Plaintiff. The conduct at issue in this lawsuit pre-dates the conduct that resulted in the Plaintiff's termination and subsequent reinstatement that was the subject matter of a separate lawsuit.

A settlement conference was held before Magistrate Judge Tony N. Leung on June 2, 2011. The City was represented by Council President Barbara Johnson, Deputy Chief Robert Allen and Assistant City Attorneys Timothy Skarda and Amanda Trelstad. A proposed settlement of all claims was reached in the total amount of \$37,500.00, including all claims for damages, attorneys' fees and costs.

The parties involved in the settlement believe that the proposed settlement is in the best interests of the City and recommend approval by this Committee and the City Council.