



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

Date: June 3, 2002
To: Ways & Means/Budget Committee
Referral to: None

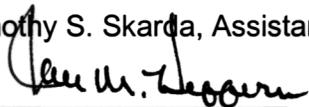
Subject: Dedefo v. City of Minneapolis, et al.

Recommendation: That the City Council approve settlement of the lawsuit filed by Nuro B. Dedefo, federal district court file no. 01-418 RHK/JMM, in the amount of \$4,000.00, payable to Nuro B. Dedefo 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:

City Goals: None

Background/Supporting Information

Acting as his own attorney, Mr. Dedefo filed this lawsuit against the City of Minneapolis, Cedar Towing and Thomas Mudek. Mr. Dedefo alleged civil rights violations pursuant to 42 U.S.C § 1983; and state tort violations of assault, battery, false arrest and intentional or negligent infliction of emotional distress.

This lawsuit arose from an incident that occurred on June 26, 1999, at approximately 10:39 p.m. Officers Gangnon and Tucker were dispatched to 15th Avenue South and 6th Street South in response to a call from Cedar Towing regarding trouble with customers. The officers learned that Cedar Riverside Land Company had called for tow trucks to remove illegally parked vehicles. Thomas Mudek, a tow truck driver with Cedar Towing, said that he had been surrounded and threatened by a group of people including the Plaintiff, Mr. Dedefo. Mudek had sprayed the Plaintiff with mace before the police arrived. The officers attempted to speak to the Plaintiff and ordered him out of his vehicle. The Plaintiff refused to get out of the vehicle and began yelling and swearing. When a crowd began to form around the officers, they called for additional assistance. Eventually, the Plaintiff was physically removed from his vehicle. He was arrested and transported to the Hennepin County Adult Detention Facility

The Plaintiff alleges that he was at a party at Oromo Community Center. He went outside when he was told that a tow truck was present. He got into his car and started it. Mr. Dedefo alleges that after he started the car, he opened the driver side door to ask Mr. Mudek if he could move his car. He alleges that without warning or provocation Mudek sprayed mace into his face. The Plaintiff alleges police officers arrived and, without conducting an investigation or attempting to discuss the matter with him, dragged him from his car, handcuffed, searched and put him into their squad car. The Plaintiff alleges that the officers ignored his requests for an explanation and for medical assistance. Mr. Dedefo's suffered no personal injury from his contact with the police officers. He alleges that he was humiliated before the Ethiopian Oromo community of which he is a member; denied prompt medical treatment; ridiculed by officers; discriminated against on the basis of race and national origin and illegally prosecuted. Criminal charges were dismissed.

A settlement conference was held on December 6, 2001, at which the Plaintiff was represented by an attorney. Mr. Mudek settled his claims for \$2,000. The City and Cedar Towing were unable to resolve their claims. While a summary judgment hearing was pending, Mr. Dedefo discharged his attorney. Judge Richard H. Kyle cancelled the summary judgment hearing and ordered another settlement conference. In a court ordered meeting prior to the settlement conference, the Plaintiff demanded \$1,000,000.00 to settle all claims against the City. The settlement conference was held on May 28, 2002, and attended by Council Member Barret Lane, Deputy Chief William Jones and Officer Tucker. Albert Garcia represented Cedar Towing. A tentative agreement was reached involving all Defendants in which the Plaintiff would be paid \$14,000.00. Cedar Towing would contribute \$10,000.00 to the settlement and the City \$4,000.00. The settlement includes all claims for costs and attorney's fees.

We believe that settling this lawsuit as described would be in the best interests of the City of Minneapolis. Council Member Lane, Deputy Chief Jones and Officer Tucker concur in recommending approval of the tentative settlement. The amount of the settlement is approximately the cost of additional defense of the lawsuit without risk of an adverse verdict or payment of fees or costs. The case is ready for trial. The Plaintiff would be able to present numerous witnesses in support of his positions. Additionally, although the officers appear to have been acting reasonably and responsibly, the City would be in the position of at least partially adopting the position of Cedar Towing and relying on the testimony of the tow truck driver who maced Mr. Dedefo.