



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

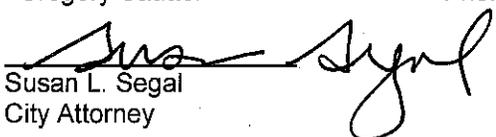
Date: November 29, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: *Malcolm Labon v. City of Minneapolis, et al.*
Court File No. 09-cv-01408-JNE-JSM

Recommendation: That the City Council approve the settlement of this case by payment of \$45,000.00 to Malcolm Labon and his attorney at The Law Firm of Stephen L. Smith, PLLC 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: Gregory Sautter ^{GPS} Phone: (612) 673-2683

Approved by: 
Susan L. Segal
City Attorney

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

Background/Supporting Information

Plaintiff, Malcolm Labon, was arrested on September 8, 2006 by two Minneapolis Police Officers. He claims that the officers used excessive force in violation of the United States Constitution in effectuating that arrest. The officers deny the force was excessive, stating that it was reasonable and justified based on Plaintiff's actions.

A court ordered settlement conference was held before Magistrate Judge Janie Mayeron on November 23, 2011. The officers were represented by Attorney Ann E. Walther. The City was represented by Council Member Kevin Reich, Deputy Chief Scott Gerlicher, and Assistant City Attorney James Moore. A proposed settlement of all claims was reached in the amount of \$45,000.00, including all claims for damages, attorney's fees, and costs. The City representatives involved believe that the proposed settlement is in the best interests of the City and recommend approval by this Committee and the City Council.