



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

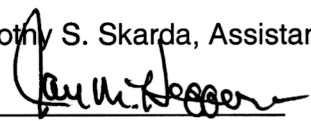
**Date:** April 26, 2002  
**To:** Ways & Means/Budget Committee  
**Referral to:** None

**Subject:** Charles Adams v. Maurice Ellringer, Donna Ellringer and Daphane Hall

**Recommendation:** That the City Council approve settlement of the lawsuit filed by Maurice Ellringer, Hennepin County District Court file no. PI 00-14495, in the amount of \$1,500.00, payable to Maurice Ellringer and his attorney, Albert T. Goins, Sr., 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**

This lawsuit arose out of an incident that occurred on September 23, 1997, following a political debate between mayoral candidates Mayor Sayles Belton and Ms. Carlson at Lucille's Kitchen at 2007 Plymouth Avenue North. Minneapolis Police Officer Charles Adams attempted to stop a vehicle being driven by Maurice Ellringer after a confrontation occurred between supporters of the candidates.

Officer Adams was struck by a vehicle driven by Mr. Ellringer and fired a shot at the Ellringer vehicle. Officer Adams sued the Ellringers and Hall for physical injuries that he suffered. Maurice Ellringer denied the allegations in Officer Adams' lawsuit and filed a counter claim against Officer Adams and the City alleging civil rights violations pursuant to 42 U.S.C. § 1983; conspiracy to violate civil rights pursuant to 42 U.S.C. § 1985; discrimination in violation of 42 U.S.C. § 1981; false arrest; and intentional or negligent infliction of emotional distress. The underlying personal injury law suit was dismissed after a settlement between Adams and State Farm Insurance in a related case, Hennepin County District Court file no. CT 00-007357.

Officer Adams was assigned to provide security for Mayor Sayles Belton. He was dressed professionally in a dark blue pinstriped suit with a red tie and white shirt. He was on duty and had his badge and weapon with him. The Ellringers were present to support mayoral candidate Barbara Carlson. After the debate, Donna Ellringer got into a confrontation with a woman outside the meeting. The parties were separated. Officer Adams observed the confrontation and came over to assist. Donna Ellringer went to her vehicle where a woman approached her car and began striking the window. Officer Adams ordered the woman to stop.

Maurice Ellringer had driven separately from his wife and observed the confrontation around his wife's car. He drove to her location, bumped a woman and a man and stopped within inches of Donna Ellringer's vehicle. The woman and the man were not injured. Mr. Ellringer denies striking anyone. He asserts that he slowly inched ahead and the people confronting his wife moved back, but did end up over the hood of his vehicle. Officer Adams went to Mr. Ellringer's vehicle and stood in front with his badge in his hands and identified himself as a police officer. Mr. Ellringer testified that he did not hear what Adams was saying because he was yelling at Adams to get out of the way. Mr. Ellringer asserts that he could not tell that Adams was a police officer. Mr. Ellringer asserts that he put his vehicle in reverse, backed up and started inching forward. He asserts that Adams moved to the side and as soon as Adams was out of the way Ellringer accelerated away. Officer Adams indicates that he was in front of the vehicle when he heard the transmission being engaged. He was attempting to move out of the way but was struck by the bumper. Officer Adams testified that when he was hit, he bent over to the side and twisted his knee. Officer Adams pulled his revolver and fired one shot at the rear of the vehicle as it passed him. Mr. Ellringer was subsequently arrested at his residence. The Office of the St. Paul City Attorney declined to prosecute Mr. Ellringer for his conduct.

Settlement discussions have occurred over the past several years. Mr. Ellringer initially demanded \$10,000.00 in settlement of his claims. Recently, a proposed settlement was reached in a discussion between attorneys in the amount of \$1,500.00, including all claims for attorney's fees and costs. Officer Adams concurs in the settlement. We believe that settling this lawsuit at this time would be in the best interests of the City of Minneapolis. In the next several weeks the deposition of Officer Adams, the deposition of Maurice Ellringer, a District Court arbitration hearing and a summary judgment hearing are scheduled. The amount of the settlement is approximately the cost of additional defense of the lawsuit without risk of an adverse verdict or payment of attorney's fees. Based upon the hours and expenses incurred in defending the case to date, the settlement appears to be substantially less than Mr. Ellringer's fees and costs.