

LOCAL

Lawyer fees push city's tab to \$270k in excessive force suit

Judge awards substantial amount to cover victim's legal representation.

By **Libor Jany** (<https://www.startribune.com/libor-jany/6134700/>) Star Tribune |

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A federal judge this week ruled that the city of Minneapolis will have to pay more than \$240,000 in legal fees and expenses of a college student who said he was beaten by police in his Dinkytown area apartment.

The award stemmed from a 2013 lawsuit in which the student, Daniel Fancher, alleged that a city police officer had struck him in the head with a flashlight, after barging into Fancher's apartment without a search warrant. A jury last November awarded Fancher \$27,640 in damages, concluding that the officer, Sokhom Klann, had used excessive force during the June 2012 incident.

The latest ruling, made on Tuesday by U.S. District Judge David S. Doty, said the city must pay \$243,500 in fees for three lawyers from the Minneapolis-based firm, Gaskins, Bennett, Birrell and Schupp, which regularly represents victims of police brutality.

Bob Bennett, one of the firm's partners, called the decision "a significant judgment," even after Doty rejected his request for \$373,100 to cover fees. Klann's attorney had argued that the amount was unreasonable.

"We respect the judge's opinion, and I believe the case can finally be settled," Bennett said by telephone Tuesday afternoon.

Fancher, who was 19 and attending the University of Minnesota at the time, filed suit after he said Klann and his partner entered Fancher's apartment, on the 1500 block of SE. 8th Street, in the early hours of June 7, 2012, while chasing teenagers who had apparently thrown a rock at their squad car.

Fancher said he saw the officers in the apartment hallway and asked them "if there was a problem," according to the lawsuit.

"Without verbally responding to Fancher, Klann reached out and grabbed Fancher by the neck and then struck him in the head, likely with Klann's flashlight," the suit read.

Obstruction charges against Fancher, who was arrested along with two of his friends, were eventually dropped, his lawyer said.

Matt Laible, a spokesman for the city, said city officials are pleased Doty reduced Fancher's request for legal fees.

"We need to make tough calls every day on litigation cases we handle, weighing the amount of settlement demands against the risks of going through trial," Laible said in an e-mail Tuesday. "In this case, I believe we made the right call."

Libor Jany is the Minneapolis crime reporter for the Star Tribune. He joined the newspaper in 2013, after stints in newsrooms in Connecticut, New Jersey, California and Mississippi. He spent his first year working out of the paper's Washington County bureau, focusing on transportation and education issues, before moving to the Dakota County team.

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