

COMMANDING OFFICER: <i>[Signature]</i>	DATE: 9-19-13	REMARKS:
MPD AWARDS COMMITTEE (ROOM 1000 CITY HALL): <i>[Signature]</i>	DATE: 10/16/13	REMARKS:
COMMANDER OF INTERNAL AFFAIRS: <i>[Signature]</i>	DATE:	EXISTING COMPLAINTS: <input type="checkbox"/> YES <input type="checkbox"/> NO
BUREAU HEAD:	DATE:	REMARKS:
CHIEF OF POLICE:	DATE:	REMARKS:
AWARD NUMBER: 13-115	RECOMMENDATION: Dept Award of Merit	DATE: 10/16/13
DATE AWARD PRESENTED:	PRESENTED BY:	DATE PLACED IN PERSONNEL FILE:
		PLACED IN PERSONNEL FILE BY:

CRITERIA FOR AWARDS

Medal of Honor: The Medal of Honor may be awarded to a member of the department for an act of outstanding bravery or heroism. Such an act would be characterized by demonstrated unselfishness, courage, the immediate high risk of death or serious physical injury. The award may also be posthumously given to a member who has died while involved in action of demonstrated heroism.

Medal of Valor: The Medal of Valor may be awarded to a member of the department for an act of bravery which demonstrated obvious self sacrifice in the face of death or serious physical injury.

Life Saving Award: The Life Saving Award may be awarded to any MPD employee for acts that contribute to the effort and attempt of saving of a person's life.

Medal of Commendation: Medal of Commendation may be awarded to a member of the department for an outstanding police act which brings credit to the department, and is highly recognized by other officers or citizens. This act is characterized by obvious self sacrifice while in the face of personal danger.

Minneapolis Police Department Range

this is to certify that

Officer Blayne Lehner

is the "High Shooter,"

for

June 2006



INTEROFFICE MEMORANDUM

**MINNEAPOLIS POLICE DEPARTMENT
AWARDS COMMITTEE**

Lt. Richard Thomas-Coordinator Officer Bruce Johnson-Committee Chair
Sgt. Charles Dodge Sgt. Bruce Folkens Sgt. David Gray Sgt. Todd Gross Sgt. Myron Taylor
Off. Mike Geere Off. Hilary Glasrud Off. Mike Killebrew Sgt. Mark Swanson (Park Police)
Debra Fields (Civilian) Deb Davidson (Civilian)

FROM: MINNEAPOLIS POLICE DEPARTMENT AWARDS COMMITTEE

RE: RECOMMENDATION FOR DEPARTMENTAL AWARDS

The MPD Awards Committee met on 1.9.06 to review the attached recommendation for and award. It is our findings that this recommendation for the award of:

- | | |
|---|---|
| <input type="checkbox"/> Medal of Honor | <input type="checkbox"/> Medal of Valor |
| <input checked="" type="checkbox"/> Medal of Commendation | <input type="checkbox"/> Award of Merit |
| <input type="checkbox"/> Life Saving Award | |

Does Does Not meet the criteria as delineated in the department manual.

The decision was the result of a Unanimous Majority Vote.

The Committee recommends that the Award of Commendation be
Given to the listed nominee: Off. Lehner

Respectfully submitted: Officer Bruce S. Johnson, MPD Awards Committee Chairman

05-108

RECOMMENDATION FOR AWARD

NAME OF EMPLOYEE RECOMMENDED FOR AWARD: Lehner, Blayne	EMPLOYEE NUMBER: 4073	ASSIGNMENT: 3 Pct CRT
RECOMMENDED BY: Sgt. Pommerenke	DATE RECOMMENDED: 8/11/05	CASE CONTROL NUMBER: 05-197575

TYPE OF AWARD RECOMMENDED (NOTE: CRITERIA FOR AWARDS PRINTED ON REVERSE SIDE)	
<input type="checkbox"/> Medal of Honor	<input checked="" type="checkbox"/> Medal of Commendation
<input type="checkbox"/> Department Award of Merit	<input type="checkbox"/> Unit Citation Award
<input type="checkbox"/> Medal of Valor	<input type="checkbox"/> Chief's Award of Merit
<input type="checkbox"/> Lifesaving Award	

COMMENTS (DESCRIBE INCIDENT, GIVE DETAILS, ETC. - ATTACH DOCUMENTATION IF NECESSARY)
<input checked="" type="checkbox"/> TYPE COMMENTS HERE

Officer Lehner has been on the 3rd Precinct CRT team for approximately 2 years. During this time Officer Lehner has worked at keeping a large network of CRI's. CRI's prove to be an invaluable tool for officers who work street level narcotics investigations.

On 7/21/05, Officer Lehner received a call from a CRI who stated that there was a black male in front of 2638 3rd Ave S; carry a large semiautomatic handgun and dealing crack cocaine. This male was using four other black males as decoys when officers drove by. The CRI stated that the other males appeared to be afraid of this black male and would back away when he approached. The male was also a Rolling 60's Crip gang member. The CRI gave a very detailed description of the suspect and Officer Lehner told him he was on the way to that location.

Officer Lehner watched a group of males in front of this location and located a possible suspect that matched the description given by the CRI. Officer Lehner contacted me prior to arriving and requested assistance at this location. This took approximately 1/2 hour and during this time Officer Lehner watched this suspect make numerous hand to hand transactions with other parties. While watching this suspect Officer Lehner observed what he believed to be a handgun in the front waistband of the suspect's pants. While watching the suspect Officer Lehner continued to keep in contact with the CRI and confirmed that he had the right person. Officer Lehner was also informed that the suspect was leaving soon and that had been talking about robbing someone with the gun. As Officer Lehner watched the suspect it was very apparent that the other males did not want anything to do with him.

Officers met with Officer Lehner at a nearby location. Officer Lehner informed us that the suspect was going to leave soon and that he maybe going to rob someone. Officer Lehner also informed us of what he had seen. Based on the CRI's information Officer Lehner was concerned that if we pulled up in marked squads the suspect would run and there could a

possible shoot out with the suspect. Officer Lehner requested that we use an unmarked vehicle and stop in front of the address. The vehicle would have uniformed officers and they would jump out and try to subdue the suspect without incident.

Officer Lehner and three other officers arrived in front while other officers covered the back. As we approached the back I heard Officer Lehner yell that they had one run into an apartment and that he was armed. Officer Lehner went into the apartment not knowing if there more suspects or what the suspect might do. The suspect had pulled the handgun from his waist band as soon as he saw the officers and continued to hold onto the handgun. While running through the hallway the suspect tripped and still held onto the handgun while trying to crawl away. The hallway was very narrow and Officer Lehner observed a living room with children at the end of the hallway. Officer Lehner yelled numerous times for the suspect to drop the gun and he did not. About half down the hall the suspect regained his footing and threw the handgun towards three children that were in the living room. The handgun landed right at the feet of a three year old. Officer Lehner yelled at the child not to pick up the gun and ran past the suspect in order to protect the child. As Officer Lehner passed the suspect he kicked the suspect in the stomach to try and break him down. This did not have an effect on him. Fearing for the safety of the children Officer Lehner could not leave the handgun on the floor and also try and subdue the suspect. Officer Lehner continued to tell the children not to touch the gun while blocking the suspect's path to the gun. Officer Nimlos came to the assistance of Officer Lehner and was able to subdue the suspect. It should be noted that the suspect was 604 and 280 pounds.

Officer Lehner recovered the handgun which was a loaded Desert Eagle 45 caliber. While searching the suspect Officer Lehner recovered an ounce of crack cocaine and 920 dollars in cash. The apartment that the suspect had run into was an innocent single mother and her four children. All of these children were under 7.

Because of Officer Lehnners hard work in gaining the trust of his CRI's there is one less gun on the street and one more person who has been charged with felon in possession and narcotics. Because of Officer Lehnners quick thinking and selfless act no one was injured and a very dangerous and unsafe situation turned out OK.

Because of this work Officer Lehner should receive the above award.

COMMANDING OFFICER: <i>Capt. M.E. White</i>		DATE: <i>9-1-05</i>	REMARKS: <i>Concur!</i>
MPD AWARDS COMMITTEE (ROOM 130 CITY HALL):		DATE:	REMARKS:
BUREAU HEAD:		DATE:	REMARKS:
CHIEF OF POLICE:		DATE:	REMARKS:
AWARD NUMBER: <i>05-108</i>		RECOMMENDATION:	DATE:
DATE AWARD PRESENTED:	PRESENTED BY:	DATE PLACED IN PERSONNEL FILE:	PLACED IN PERSONNEL FILE BY:



MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit

OPCR Administrative Case #15-16258

Officer Blayne Lehner

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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF MINNEAPOLIS

In the Matter of:
City of Minneapolis,

AMENDED PROTECTIVE ORDER

Petitioner,

v.

Blayne Lehner,

Respondent.

This matter involves some data that are classified as not public under the Minnesota Government Data Practices Act (MGDPA). Access to such data may be necessary for the parties to properly prepare for the hearing and present their evidence and for a decision to be made upon the necessary evidence. For these reasons, a Protective Order addressing the discovery and use of such data must be issued.

NOW, THEREFORE, pursuant to Minn. Stat. §§ 13.03, subd. 6; 14.60, subd. 2; Minn. R. Civ. P. 26.03; and Minn. R. 1400.6700, subp. 4, the Chief Administrative Law Judge makes the following:

ORDER

1. Disclosure of not public data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses or as required by court order.

2. Blayne Lehner and his counsel, representatives, or witnesses may not disclose any data encompassed by this Order to persons other than those mentioned in paragraph one above, and must return all nonpublic or confidential data released pursuant to this Order to counsel for the City of Minneapolis at the conclusion of this matter. Counsel for Respondent may retain one copy of the nonpublic or confidential data solely for malpractice defense purposes.

3. All documentary material claimed to contain not public data, as defined in the MGDPA, shall be marked substantially as follows by stamping each individual page with the designation "**NONPUBLIC**" or "**CONFIDENTIAL**." For purposes hereof, notes made pertaining to or prepared as the result of a review of not public data shall be subject to the terms of this Protective Order. Any not public data received in photographic, digital or electronic formats shall be identified as protected by the

producing party by means appropriate to the medium and shall be handled by the recipient in a manner suitable to protect its confidentiality.

4. All disclosure of data specified in this Order is allowed only to the extent necessary to prepare and present claims and defenses in this proceeding and limited to the following persons:

- (a) attorneys representing the parties or their employees or experts assisting counsel in the preparation of and expected to testify in the case;
- (b) fact or expert witnesses expected to testify at the hearing, but only:
 - (1) if each witness has executed Exhibit A in a timely manner prior to their receipt of the protected data; and
 - (2) only to the extent that the testimony of the witness requires reference to the protected data;
- (c) persons shown on the face of the document to have authored or received the document;
- (d) court reporters providing professional services associated with this matter;
- (e) students appearing at the hearing with the knowledge and consent of the parties to this action; and
- (f) employees or agents of the Office of Administrative Hearings.

5. The data encompassed by this Order may be used only in this proceeding and not for any other purpose including collateral litigation, unless ordered by the Chief Administrative Law Judge or a court of law to disclose the data. Further, this Order prohibits individuals who attended all or part of the hearing on November 12, 2015 from speaking on social media or in other public forums about the testimony heard or other evidence offered. Students who attended the hearing on November 12, 2015 due to course requirements are allowed to discuss the hearing with their professor(s) provided the professor has spoken with the Chief Administrative Law Judge in advance of the discussion. If the student is required to submit a paper related to observing the hearing, the paper must be drafted in a manner that complies with this Order.

6. Should any party seek to use the information subject to this Order in a manner inconsistent with the Order, that party shall bring a motion before the Chief Administrative Law Judge with notice to the other party, requesting permission to use the information and detailing the reasons for the request.

7. Any party may request a change in the designation of any information designated as Confidential or Nonpublic. Any such document shall be treated as designated until the change is completed. If the requested change in designation is not agreed to, the party seeking the change may seek appropriate relief from the Chief

Administrative Law Judge. The party asserting that the material is not public under the MGDPA shall have the burden of proving that the information should be so designated.

8. In order to ensure that the designations conform to the MGDPA and/or other applicable law, the Chief Administrative Law Judge retains authority to order a change in the designation of any information identified by the parties as Confidential or Nonpublic.

9. Nothing in this Order is intended to limit availability of judicial review of the Minneapolis City Council's final order as provided by Minn. Stat. §§ 14.63 - 14.69.

Dated: November 19, 2015

s/Tammy L. Pust

TAMMY L. PUST
Administrative Law Judge

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF MINNEAPOLIS

In the Matter of:
City of Minneapolis,

[EXHIBIT A]
NONDISCLOSURE AGREEMENT

Petitioner,

v.

Blayne Lehner,

Respondent.

I, the undersigned, acknowledge that I have read the attached Amended Protective Order dated November 12, 2015, issued in the above-entitled matter and understand and agree to be bound by all of its terms.

Without limiting the generality of the foregoing, I agree not to disclose to any person or entity not authorized to receive materials designated "**CONFIDENTIAL**" or "**NONPUBLIC**" under the terms of the Protective Order, or any copies or extracts of information derived therefrom, which have been disclosed to me. I further agree to use any materials disclosed to me solely for the purpose of this proceeding and for no other purpose.

I submit myself to the jurisdiction of the Office of Administrative Hearings in Minnesota for the purpose of enforcing this Protective Order.

Dated: November __, 2015

Signature

Type or Print Name

Address

Name of Educational Institution Attending

Name of Associated Party

REGISTER OF ACTIONS

CASE No. 27-CR-14-1930

State of Minnesota vs Luis Daniel Garcia-Pineda

§
§
§
§
§

Case Type: **Crim/Traf Mandatory**
Date Filed: **01/22/2014**
Location: **Hennepin Criminal/Traffic/Petty Downtown**

PARTY INFORMATION

Defendant	Garcia-Pineda, Luis Daniel MINNEAPOLIS, MN 55407	Male DOB: 08/06/1995	Lead Attorneys PAUL JODY EDLUND <i>Retained</i> 612-338-2829(W)
Jurisdiction	State of Minnesota		RONALD GARY BLUM, Jr. 612-673-2934(W)

CASE INFORMATION

Charges: Garcia-Pineda, Luis Daniel	Statute	Level	Date	Disposition	Level of Sentence
1. Obstruct Legal Process-Lawful Execution Legal Process	609.50.1(1)	Misdemeanor	12/29/201310/16/2014	Dismissed	
2. Consuming alcohol under 21 years of age	340A.503.1(a)(2)	Misdemeanor	12/29/201310/16/2014	Convicted	10/16/2014 Convicted of a Misdemeanor
3. Give Peace Officer False Name/Birthdate/ID Card	609.506.1	Misdemeanor	12/29/201310/16/2014	Dismissed	
4. Disorderly Conduct	609.72.1	Misdemeanor	12/29/201310/16/2014	Dismissed	

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

02/05/2014 **Plea** (Judicial Officer: Duffy, David)
1. Obstruct Legal Process-Lawful Execution Legal Process
Not guilty
2. Consuming alcohol under 21 years of age
Not guilty

10/16/2014 **Amended Plea** (Judicial Officer: Caligiuri, Hilary L.) Reason: Plea agreement
2. Consuming alcohol under 21 years of age
Guilty

10/16/2014 **Disposition** (Judicial Officer: Caligiuri, Hilary L.)
1. Obstruct Legal Process-Lawful Execution Legal Process
Dismissed
2. Consuming alcohol under 21 years of age
Convicted
3. Give Peace Officer False Name/Birthdate/ID Card
Dismissed
4. Disorderly Conduct
Dismissed

10/16/2014 **Sentenced** (Judicial Officer: Caligiuri, Hilary L.)
2. Consuming alcohol under 21 years of age
12/29/2013 (MSD) 340A.503.1(a)(2) (340A5031a2)

Local Confinement:
Agency: Hennepin County Workhouse - Adult Corrections
Term: 1 Days
Time To Serve: 1 Days
Credit For Time Served: 1 Days
Status: Active 10/16/2014

Fee Totals:

Law Library Fees	\$3.00	
Alcohol/Drug-Municipality Crim/Traffic Surcharge (once per case)	\$75.00	Waived
Fee Totals \$	\$78.00	

Level of Sentence:
Convicted of a Misdemeanor

OTHER EVENTS AND HEARINGS

01/22/2014 Citation E-Filed
01/23/2014 Notice of Appearance
02/05/2014 Arraignment (8:30 AM) (Judicial Officer Duffy, David)
Result: Held
02/05/2014 Certificate of Representation (Judicial Officer: Duffy, David)
02/05/2014 Notice of Appearance (Judicial Officer: Duffy, David)
03/12/2014 Pre-trial (1:30 PM) (Judicial Officer Moore, James)
Result: Held
03/12/2014 Notice of Appearance (Judicial Officer: Moore, James)
04/21/2014 Pre-trial (1:30 PM) (Judicial Officer Poston, Janet N.)
04/10/2014 Continued to 04/21/2014 - By agreement - Garcia-Pineda, Luis Daniel
Result: Held
04/21/2014 Demand for Evidentiary Hearing (Judicial Officer: Poston, Janet N.)
04/21/2014 Notice of Appearance (Judicial Officer: Poston, Janet N.)
06/05/2014 Witness List
06/05/2014 Notice of Evidence and Identification Procedures
06/26/2014 Evidentiary Hearing (8:30 AM) (Judicial Officer Barnette, Toddrick S.)
Result: Held
06/26/2014 Order for Submissions-Under Advisement Doc ID# 4 (Judicial Officer: Chou, Marta M.)
06/26/2014 Order for Submissions-Under Advisement Doc ID# 5 (Judicial Officer: Chou, Marta M.)
06/26/2014 Notice of Appearance Doc ID# 1
09/12/2014 Hearing (8:30 AM) (Judicial Officer Chou, Marta M.)
Result: Held
09/12/2014 Order-Other Doc ID# 2 (Judicial Officer: Chou, Marta M.)
09/12/2014 Motion Doc ID# 3 (Judicial Officer: Chou, Marta M.)
10/16/2014 Sentencing (8:30 AM) (Judicial Officer Caligiuri, Hilary L.)
Result: Held
10/16/2014 Application/Agreement for Deferred Payment Doc ID# 6
07/13/2015 Sent to Collections
07/20/2015 Collection Referral Rejected by Collection Agency
01/08/2017 Sent to Collections
01/09/2017 Rejected by Collection Agency-Incomplete Party Data

FINANCIAL INFORMATION

	Defendant Garcia-Pineda, Luis Daniel		
	Total Financial Assessment		128.00
	Total Payments and Credits		70.00
	Balance Due as of 02/06/2017		58.00
10/16/2014	Transaction Assessment		128.00
10/16/2014	Credit Waived		(50.00)
03/07/2016	Counter Payment	Receipt # PSF27-2016-01724	Garcia-Pineda, Luis Daniel (20.00)

(11)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Luis Daniel Garcia,

Case No: 15-CV-03214 (SRN/HB)

Plaintiff,

v.

**DEFENDANT LEHNER'S RULE
26(a)1 INITIAL DISCLOSURES**

Blayne Lehner, in his individual capacity
as an officer of the City of Minneapolis, and
the City of Minneapolis

Defendants.

Defendant Blayne Lehner, hereinafter "Lehner," submits the following initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) and the October 12, 2015 scheduling order.

1. Witnesses - the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:
 - a. Blayne Lehner
3101 Nicollet Ave S, Minneapolis, MN 55408
(612) 673-5705
Interacted with Garcia.
 - b. Steve Wuorinen
3101 Nicollet Ave S, Minneapolis, MN 55408
(612) 673-5705
Present at incident and observed Garcia prior to and after the alleged incident. He was present at a later date at the hospital.
 - c. Christopher Kelley

3101 Nicollet Ave S, Minneapolis, MN 55408

(612) 673-5705

Present at incident and observed Garcia prior to and after the alleged incident.

d. Marcus Lukes

3101 Nicollet Ave S, Minneapolis, MN 55408

(612) 673-5705

Present at incident and observed Garcia's behavior

e. Daniel Misgen

3101 Nicollet Ave S, Minneapolis, MN 55408

(612) 673-5705

Present at incident and observed Garcia's behavior.

f. Rick Altonen

3101 Nicollet Ave S, Minneapolis, MN 55408

(612) 673-5705

Conducted supervisory use of force review.

g. Ronald Blum

350 S. 5th Street, Room 210, Minneapolis, MN 55415

(612) 673-2010

Mr. Blum was the City's attorney on the underlying criminal case (State v. Garcia-Pineda, 27-CR-14-1930)

h. Any personnel who observed, interacted with, or provided medical care to Mr. Garcia.

Hennepin County Medical Center

701 Park Ave., Minneapolis, MN 55415

(612) 873-3000

2. Documents - a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

- a. Complete Case Report for CCN: MP-13-430045;
 - b. Transcript of Rasmussen Hearing held on June 26, 2014, court file number 27-CR-14-1930.
3. a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;
- a. N/A
4. Insurance - for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.
- a. Pursuant to Minn. Stat. § 466.07, the City of Minneapolis is required to defend and indemnify Defendant Lehner. Upon information and belief, the City of Minneapolis is self-insured.

KELLY & LEMMONS, P.A.

Dated: December 15, 2015

s/ Joseph A. Kelly

Patrick J. Kelly (ID #54823)

Joseph A. Kelly (ID #0389356)

Kevin M. Beck (ID #0389072)

223 Little Canada Road East, Suite 200

Little Canada, MN 55117

(651) 224-3781

jkelly@kellyandlemons.com

Attorneys for Defendant Lehner

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Luis Daniel Garcia,

Plaintiff,

v.

Blayne Lehner, in his individual
capacity as an officer of the City of
Minneapolis, and the City of
Minneapolis,

Defendants.

Case No. _____

COMPLAINT

**JURY TRIAL DEMANDED
UNDER 38(b)**

For his Complaint, Plaintiff Luis Daniel Garcia hereby states and alleges as follows:

PARTIES AND JURISDICTION

1. This is an action for money damages for injuries sustained by 18-year old Luis Daniel Garcia as a result of violations of his constitutional rights by Blayne Lehner, an on-duty Minneapolis police officer with a history of using unreasonable force. Defendant Lehner's use of unreasonable force on Plaintiff, in the form of a kick to the face while Plaintiff was defenseless and handcuffed in the backseat of a police squad car, was so extreme it caused Plaintiff to suffer a broken jaw and knocked out his two front teeth.

2. Plaintiff also asserts claims against the City of Minneapolis under *Monell v. Dep't of Soc. Serv.*, 436 U.S. 658 (1978) as Defendant Lehner's use of unreasonable force was enabled and directly caused by the custom or practice of the City of Minneapolis of deliberate indifference to the use of such use of unreasonable force by Lehner and other Minneapolis police officers.

3. Defendant Lehner's conduct in assaulting Plaintiff on December 29, 2013 violated Plaintiff's well-settled federal civil rights to be free from unreasonable force and false arrest, all while acting under color of state law.

4. Defendant Lehner was acting within the course and scope of his employment with the City of Minneapolis when he violated Plaintiff's constitutional rights on December 29, 2013.

5. Plaintiff brings this action under 42 U.S.C. §§ 1983 and 1988 and the Fourth Amendment to the United States Constitution.

6. At the time of the use of unreasonable force which is the subject matter of this Complaint, Plaintiff resided in Minneapolis, Hennepin County, Minnesota, although he now resides in Saint Paul, Ramsey County, Minnesota.

7. At all material times herein, Defendant Lehner was a resident of the City of Lakeville, County of Dakota, although he worked in the City of Minneapolis as a duly appointed and acting officer of the Minneapolis Police Department. Lehner is sued in his individual capacity.

8. The City of Minneapolis is a municipality incorporated under the laws of the State of Minnesota.

9. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343(a)(3), which confer this Court with original jurisdiction in this matter.

10. The amount in controversy exceeds Seventy-Five Thousand (\$75,000) Dollars, excluding interest and costs.

11. Plaintiff requests declaratory and injunctive relief. He also seeks compensatory and punitive damages permitted by law, as well as statutory attorneys' fees and expenses.

12. Plaintiff demands a jury trial as to all issues of fact herein.

FACTUAL BACKGROUND

13. On December 29, 2013, just before 3:00 a.m., Minneapolis Police Officers Lukes and Misgen were investigating an incident in the Kingfield neighborhood near 3710 Nicollet Avenue South in Minneapolis, Minnesota.

14. At approximately the same time, Plaintiff was a backseat passenger in a 1995 Honda Accord, which was traveling southbound on Nicollet Avenue, returning from a neighborhood party held at a private home on the 3100 block of 1st Avenue South. Plaintiff was traveling in the vehicle with his 23-year old sister, Miriam, and two of her friends to a home near Washburn High School to drop off Miriam's friend, Stephanie.

15. As the Accord traveled southbound on Nicollet, Officer Christopher Kelley, who was patrolling a nearby area, claimed the Accord "accelerated" and passed too closely to Officer Lukes, who was crossing Nicollet on foot. Officer Kelley's claim provided justification for other officers to pursue the Accord, even though none of the vehicle's occupants had committed any crimes and were not connected in any way to the original call being investigated.

16. After the Accord pulled over near Anodyne Coffee at 43rd Street and Nicollet Avenue South, Officer Kelley removed the driver, Antonio Rios Aguilar, from the vehicle at gunpoint, handcuffing him and placing him in the rear of Kelley's squad car, number 521.

Aguilar was later charged with reckless driving, which was the most serious criminal act committed by any of the Accord's four occupants.

17. While Aguilar was being placed into the rear of squad 521, Plaintiff, who is approximately 5'5" and 125 pounds, remained seated in the rear of the Accord.

18. At approximately this time, an additional squad car ("the second squad car"), occupied by Officer Steven Wuorinen and Defendant Lehner, arrived on the scene.

19. As other officers arrived, Officer Kelley approached the Accord and asked Plaintiff for identification. Plaintiff - who has lived in the U.S. since the age of 5, but does not have a state-issued identification card - was unable to provide one, instead identifying himself by name and birthdate.

20. Officer Kelley nonetheless persisted in demanding that Plaintiff provide identification, at which point Plaintiff - who had already repeatedly indicated he did not have identification - cursed loudly, which caused Officer Kelley to remove Plaintiff from the rear of the Accord and handcuff him.

21. Officer Kelley testified, "because of the alcohol, because of the curse word, I decided to put [Plaintiff] in handcuffs because that's not the proper way to talk to a police officer and I don't want to escalate into a bigger situation."

22. Due to Plaintiff's extremely small size and the lack of physical threat he posed, however, Officer Kelley was able to handle Plaintiff without any assistance from other officers and Kelley encountered no physical resistance from Plaintiff as he took him into custody.

23. As Officer Kelley testified: "Got him in back, handcuffed him and really there was no serious incident when I made contact with him. And escorting officers took him back to another squad."

24. Officer Wuorinen then took custody of the handcuffed Plaintiff, placing him in the backseat of the second squad car.

25. While Plaintiff was handcuffed in the squad car, Defendant Lehner testified:

The squad door was shut, and I just stayed at the back side -- or the back of the squad car, and I was just talking to Officer Wuorinen. And while there, I noticed the defendant was thrashing around and kicking inside the back seat of the squad car, so I opened up the squad door to prevent him from damaging the squad and to tell him to stop doing what he's doing.