



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

Date: February 6, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: *Shanna Hanson v. City of Minneapolis and Bonnie Bleskachek*
Hennepin County District Court File No. 27-cv-06-22589

Recommendation: That the City Council approve settlement of the above-referenced matter in the amount of \$8,500, payable to Plaintiff's attorneys Mansfield, Tanick & Cohen, P.A., from Fund/Org. 6900 150 1500 2800. Furthermore, that the City Council approve related non-monetary settlement terms including (1) that Plaintiff Fire Captain Shanna Hanson shall be issued a letter of clarification from Defendant Fire Captain Bonnie Bleskachek containing agreed-upon language indicating that Bleskachek did not intend to imply that Plaintiff had engaged in a "fight" while on duty in February 2005, and (2) that the district court issue an order requiring rescission of the one-shift suspension issued to Plaintiff on April 4, 2005 and providing for the removal of all associated documentation from Plaintiff's disciplinary record. Lastly, that the City Council authorize the City Attorney's Office to execute all documents necessary to finalize the settlement.

Previous Directives:

Prepared by: Joel M. Fussy, Assistant City Attorney Phone: 673-2067

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): \$8,500.00 payable from Fund/Org. 6900 150 1500 2800
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Background/Supporting Information

This lawsuit involves multiple claims brought by Plaintiff Shanna Hanson, a Fire Captain employed by the Minneapolis Fire Department. Plaintiff alleged that then-Fire Chief Bonnie Bleskachek, in an interview with Minnesota Public Radio in October 2006, defamed her by falsely asserting or implying that Plaintiff had been disciplined in 2005 for participating in a "fight" with another firefighter at the scene of a house fire. Although Plaintiff and the other involved firefighter had been disciplined for participating in an altercation and conflict at the scene of the house fire, both had been cleared of the specific charge of participating in a "fight or physical assault." Plaintiff alleged that this statement harmed her professional and personal reputation and further claimed that the purported defamation constituted an illegal release of private personnel data in violation of the Minnesota Government Data Practices Act and that the underlying discipline was imposed in violation of the Minnesota Human Rights Act.

Defendants filed motions to dismiss these claims and were successful in having the Human Rights Act claim dismissed, however the defamation and data practices claims survived. A jury trial was scheduled to commence on the remaining claims on February 5, 2008. Judge Ann Alton conducted a pre-trial settlement conference on February 5, 2008. At the settlement conference – which was attended by all parties and their counsel – a proposed settlement was reached in accord with the above-referenced terms and recommended by all parties hereto.

The reasons supporting settlement of this lawsuit include the following:

- The City is providing for separate outside counsel for Defendant Bleskachek and would therefore incur additional costs should the matter proceed to trial, estimated to last approximately four days;
- Any liability finding by a jury at trial on Plaintiff's data practices claim, per Minn. Stat. § 13.08(1), would trigger a full award of attorneys fees likely in excess of \$40,000 in addition to any damages and costs awardable to Plaintiff.

The City Attorney recommends that the finance officer be authorized to issue a settlement check to Plaintiff's attorneys Mansfield, Tanick & Cohen, P.A., from Fund/Org. 6900 150 1500 2800, in the amount of \$8,500. The City Attorney additionally recommends that the City Council approve the agree-upon and related non-monetary settlement terms including (1) that Plaintiff Fire Captain Shanna Hanson shall be issued a letter of clarification from Defendant Fire Captain Bonnie Bleskachek containing agreed-upon language indicating that Bleskachek did not intend to imply that Plaintiff had engaged in a "fight" while on duty in February 2005, and (2) that the district court issue an order requiring rescission of the one-shift suspension issued to Plaintiff on April 4, 2005 and providing for the removal of all associated documentation from Plaintiff's disciplinary record, and (3) that the City Attorney's Office be authorized to execute any documents necessary to finalize the settlement.

PM #06-23766