

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rafael Angel Diaz,

Case No. 14-CV-136 (ADM/FLN)

Plaintiff,

vs.

**SETTLEMENT AGREEMENT
AND RELEASE**

City of St. Paul, a municipality as defined
under Minn. Stat. 466.01, Jon Fish, and
Laura Finnegan individually and acting in
their capacity as City of St. Paul police
officers,

Defendants.

This Settlement Agreement and Release is entered into by and between Rafael Angel Diaz (“Diaz”) and the City of Saint Paul (“Defendant”).

This Settlement Agreement and Release sets forth the terms that conclude and dispose of the lawsuit entitled *Rafael Angel Diaz v. City of Saint Paul, Jon Fish and Laura Finnegan individually and acting in their capacity as City of Saint Paul Police Officers*, and later captioned *Rafael Angel Diaz v. City of Saint Paul*, venued in United States District Court, District of Minnesota, Case No. 14-CV-136 (ADM/FLN).

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

a) The City of Saint Paul shall pay the sum of \$42,500 to Rafael Angel Diaz and his attorney Chris Ritts in full, final and complete settlement of all claims to date arising out of the incident on February 5, 2012, which have been or could have been

asserted in this lawsuit, including any costs, disbursements and attorney's fees available under 42 U.S.C. § 1988.

b) In consideration of the payment referenced in paragraph 1 above, Diaz does hereby release, discharge, and acquit the City of Saint Paul, its officers, agents and employees, including but not limited to Jon Fish and Laura Finnegan, in their individual and official capacity as City of Saint Paul Police Officers, of and from all manner of actions, suits, claims or damages, whether known or unknown, that Diaz, his heirs, successors and assigns ever had, have or ever can have to claim to have against Defendant regarding any damage, loss or injury sustained by Diaz that he claimed or could have claimed in this lawsuit arising from the incident on February 5, 2012. Diaz further agrees that neither him nor his agents, his attorneys and other persons speaking or working on his behalf, will initiate contact with the media or otherwise to make any representations or characterizations regarding the officers involved in this matter. In the event that Diaz is contacted by the media or otherwise, he agrees that his comments will be limited exclusively to the following statement: "I think that Officer Fish was wrong how he handled this situation, but I am satisfied with the settlement and outcome."

c) In consideration of the promises made herein pursuant to the Settlement Agreement and Release the parties hereto agree to immediately stipulate to the dismissal with prejudice of Diaz' Complaint, but without costs or disbursements awarded to any party by the Court.

d) Defendant asserts that this is a compromise of a disputed claim and that any promises or payments made pursuant to this Settlement Agreement and Release are not to be construed as an admission of liability on the part of any person or party.

e) The terms of this Settlement Agreement and Release are contractual in nature and not a mere recital. The parties agree there are no other written or oral agreements or understandings that modify the terms set forth in this Settlement Agreement and Release.

Dated: Oct 1, 2014


RAFAEL ANGEL DIAZ, Plaintiff


Dated: Oct 1, 2014

DUNLAP AND RITTS, P.A.


CHRIS RITTS, # 173290
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Dated: September 29, 2014

RATWIK, ROSZAK & MALONEY, P.A.


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Dated: Sept. 29, 2014

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