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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

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Craig R. Spelbrink and Robert R. Geistfeld,

Case No.: 11-CV-3009 JRT/JJK

Plaintiffs,

v.

**SETTLEMENT AGREEMENT  
AND RELEASE**

Matthew Sweeney and David Stokes,  
acting in their individual capacities  
as Saint Paul police officers;

Defendants.

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Plaintiffs Craig R. Spelbrink and Robert R. Geistfeld, being of lawful age, for the sole consideration of ninety thousand dollars and no cents (\$90,000.00) to the undersigned in hand paid receipt of which is hereby acknowledged, do hereby and for their heirs, executors, administrators, successors and assigns agree to release any and all claims, actions, causes of action, demands, rights, damages, attorney's fees, costs, loss of service, expenses and compensation whatsoever which the undersigned now have or which they may hereafter accrue on account of any and all known and unknown, foreseen and unforeseen bodily, mental, emotional and personal injuries and property damage and the consequences thereof resulting or to result regarding the July 24, 2011 incident described in Plaintiffs' Complaint including but not limited to claims that their Fourth Amendment rights were violated by Defendants Officers Sweeney and Stokes, including a right to be free from unreasonable searches and seizures, claims that Defendants

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conducted a *Terry* stop of Plaintiffs absent reasonable suspicion of wrongdoing that was excessively intrusive in its scope or manner of execution, claims of arrest without probable cause and claims of excessive and unreasonable use of force. Plaintiffs specifically release all claims for compensatory and punitive damages relating to the incident described in Plaintiffs' Complaint.

Plaintiffs specifically agree to execute a Stipulation to amend their Complaint to name the City of St. Paul as Defendant in place of Defendants Sweeney and Stokes.

It is understood and agreed that this settlement is a compromise of disputed claims and that the payment made is not to be construed as an admission of liability on the part of the City or the individual Defendants and that said releasees deny liability therefore and intend merely to avoid litigation and buy their peace.

The undersigned hereby declare and represent that the injuries they claim to have sustained are or may be permanent and progressive and that recovery therefrom is uncertain and indefinite and in making this release it is understood and agreed that the undersigned rely wholly upon the undersigned's judgment, belief and knowledge of the nature, extent, effect and duration of said injuries and liability therefore and is made without reliance upon any statement or representation of the parties hereby released or their representatives.

The undersigned further declare and represent that no promise, inducement or agreement not expressed herein has been made to them and this release contains the entire

agreement between the parties hereto and that the terms of the Release are contractual and not a mere recital.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Craig R. Spelbrink, Plaintiff

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert R. Geistfeld, Plaintiff

GASKINS BENNETT BIRRELL  
SCHUPP LLP

Dated: 2/7/12 \_\_\_\_\_

  
\_\_\_\_\_  
Jeffrey S. Storms, #387420  
333 South Seventh Street, #2900  
Minneapolis, MN 55402  
612-333-9500

agreement between the parties hereto and that the terms of the Release are contractual and not a mere recital.

Dated: 2/7/12

  
Craig R. Spelbrink, Plaintiff

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert R. Geistfeld, Plaintiff

**GASKINS BENNETT BIRRELL  
SCHUPP LLP**

Dated: \_\_\_\_\_

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Dated: \_\_\_\_\_

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Craig R. Spelbrink, Plaintiff

Dated: 2/7/12

  
\_\_\_\_\_  
Robert R. Geistfeld, Plaintiff

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