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Title: Gustavo Martinez v. Ryan M. Quinn, individually, and Mark Sullivan, individually; Case No. 1:14-CV-151-MW-GRJ; United States District Court, Northern District of Florida (NB)

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7/2/2015	1	City Commission	Approved as Recommended	

Gustavo Martinez v. Ryan M. Quinn, individually, and Mark Sullivan, individually; Case No. 1:14-CV-151-MW-GRJ; United States District Court, Northern District of Florida (NB)

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claims of Gustavo Martinez arising from an incident that occurred on or about November 18, 2013.

On November 18, 2013, two Gainesville Police Officers responded to noise complaints at an apartment complex in Gainesville. Upon arriving, they heard yelling and screaming coming from a second balcony of one of the apartments. They proceeded to knock on the door of the apartment the noise was coming from. The door was answered by Gustavo Martinez, an occupant of the apartment who was holding a Monday night football gathering in the apartment.

The version of events diverge at this point. The officers claim that Mr. Martinez pushed one officer back with his fist and attempted to close the door. Mr. Martinez and other witnesses claim that the officers pushed him aside and entered his apartment. In any event, the situation escalated to the point where Mr. Martinez was arrested for Battery on a Law Enforcement Officer, a felony, and Resisting Arrest without Violence, a misdemeanor.

The case against Mr. Martinez was dropped by the State Attorney's Office. A lawsuit against the two officers in their individual capacities for False Arrest, Excessive Force and Unlawful Entry followed. Because the suit alleged the two officers acted under color of State law, the City was obligated to provide a defense for the officers and also to pay any judgment that might be entered against them. Due to the facts of the case the City had to provide separate counsel for each officer.

Mr. Martinez, a law student, alleged that he suffered physical injuries, as well as emotional distress and reputational damage. He paid legal fees as well as other costs associated with the arrest in excess of eight thousand dollars. He will also have to address this arrest with the Florida Board of Bar Examiners prior to his admission to the Florida Bar.

At mediation in the case, a negotiated settlement was reached, subject to approval by the City Commission. Based on the facts of the case, it is the recommendation of the City Attorney's Office, outside counsel and the Risk Management Department that the City pay \$20,000 for settlement of the lawsuit against Officer Quinn and \$20,000 for settlement of the lawsuit against Officer Sullivan.