UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

ABDISALAM WILWAL, SAGAL ABDIGANI, individually and on behalf of their children N.W., A.W., A.M., and MOHAMED OSMAN,

Plaintiffs,

Case No. 0:17-cv-02835 (DWF/DTS)

v.

CHAD A. WOLF, Acting Secretary of the Department of Homeland Security, in his official capacity, *et al.*,

Defendants.

PETITION FOR APPROVAL OF MINOR SETTLEMENT

Abdisalam Wilwal and Sagal Abdigani ("Petitioners"), individually, and as parents and natural guardians for minors — , , and , and , and , petition the Court for approval of a minor settlement on behalf of their minor children. In support of this request, Petitioners state as follows:

1. is the minor child of Abdisalam Wilwal and Sagal Abdigani. Her date of birth is and she is presently 13 years old. She resides with her parents in Eagan, Dakota County, Minnesota.

2. is the minor child of Abdisalam Wilwal and Sagal Abdigani. His date of birth is and he is presently 11 years old. He resides with his parents in Eagan, Dakota County, Minnesota.

- 3. is the minor child of Abdisalam Wilwal and Sagal Abdigani. His date of birth is and he is presently 10 years old. He resides with his parents in Eagan, Dakota County, Minnesota.
- 4. In 2017, Petitioners retained the American Civil Liberties Union Foundation, American Civil Liberties Union Foundation of Minnesota, and Robins Kaplan LLP to represent them and their minor children (collectively, "Plaintiffs") in an action relating to an incident that occurred on March 30, 2015 at the border crossing in Portal, North Dakota.
- 5. Plaintiffs filed their original complaint in this Court on July 13, 2017, and filed an amended complaint on October 12, 2017. (ECF Nos. 1, 25.)
- 6. Following informal settlement discussions between the parties, and two formal settlement conferences before Magistrate Judge David Schultz, Defendants offered Plaintiffs a series of non-monetary terms, in addition to monetary relief totaling \$215,000.00, to settle this case. Plaintiffs carefully considered the settlement and decided it was in the best interests of the family, including the minor children, to accept the settlement offered by Defendants.
- 7. In advance of reaching a settlement, Petitioners, as well as their adult son, Mohamed Osman,¹ entered a written agreement in which they agreed that any monetary recovery obtained through a settlement with the Defendants would be divided equally among all six Plaintiffs, *i.e.*, Abdisalam Wilwal, Sagal Abdigani, their three minor

¹ Mr. Osman reached the age of majority during the pendency of this lawsuit.

children, and Mohamed Osman.

- 8. Plaintiffs and Defendants have finalized two agreements that encompass the settlement in this case: (a) a Settlement Agreement and Release of Constitutional and Administrative Procedure Act Claims; and (b) a Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677.
- 9. In entering these agreements, Defendants specifically deny any fault or liability to Plaintiffs.
- 10. Plaintiffs' attorneys provided legal services in this matter *pro bono*. To allow Plaintiffs to recover the largest settlement possible, all settlement funds, inclusive of attorneys' fees and costs, have been allocated to Plaintiffs as part of a global settlement agreement. Plaintiffs' counsel are not seeking any fees or costs associated with this matter separate from those that have been allocated to Plaintiffs.
- 11. Petitioners believe that the proposed settlement is in the best interest of the minor children and should be accepted subject to the approval of this Court, rather than impose upon the minors and their parents the emotional distress, burden, additional expenses, delay, and uncertainty of moving ahead with a trial.

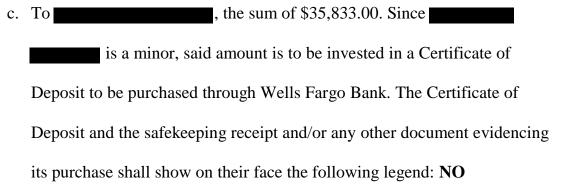
WHEREFORE, Petitioners pray for an order of this Court as follows:

- Approving Petitioners' acceptance of Defendants' settlement offer of \$215,000.00, in addition to non-monetary terms to which the parties have agreed as set forth in the Settlement Agreement and Release of Constitutional and Administrative Procedure Act Claims.
- 2. Approving distribution of the settlement funds as follows:

, a minor, by her parents and natural guardians, Abdisalam Wilwal and Sagal Abdigani. **Redemption by court order only until the minor reaches the age of majority.** United States District Court for the District of Minnesota, Case No. 17-cv-02835-DWF-DTS.

b. To _______, the sum of \$35,833.00. Since _______ is a minor, said amount is to be invested in a Certificate of Deposit to be purchased through Wells Fargo Bank. The Certificate of Deposit and the safekeeping receipt and/or any other document evidencing its purchase shall show on their face the following legend: **NO TRANSACTIONS**SHALL BE MADE WITHOUT COURT ORDER. The Certificate of Deposit shall be maintained in the following format:

, a minor, by his parents and natural guardians, Abdisalam Wilwal and Sagal Abdigani. **Redemption by court order only until the minor reaches the age of majority.** United States District Court for the District of Minnesota, Case No. 17-cv-02835-DWF-DTS.



TRANSACTIONS SHALL BE MADE WITHOUT COURT ORDER.

The Certificate of Deposit shall be maintained in the following format:

, a minor, by his parents and natural guardians, Abdisalam Wilwal and Sagal Abdigani. **Redemption by court order only until the minor reaches the age of majority.** United States District Court for the District of Minnesota, Case No. 17-cv-02835-DWF-DTS.

- d. To Abdisalam Wilwal, Sagal Abdigani, and Mohamed Osman, the sum of \$35,833.00 each (totaling \$107,499.00).
- Authorizing Petitioners to sign any documents necessary to effectuate the settlement and distribution of the recovered proceeds.

Dated: March 30, 2020 in Hennepin County

I declare under penalty of perjury that everything I have stated in this document is true and correct.

AddisAlAm	WILMAC
Abdisalam Wilwal,	as a parent and
natural guardian of	
4111	•
Saal ab	disani
Sagal Abdigani, as a	parent and natural
guardian of	
and	

LR 7.1 STATEMENT

The parties met and conferred regarding the foregoing petition, and Defendants raised no objection to the petition or the relief sought therein.

This document was prepared by: <u>s/Hugh Handeyside</u>

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