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December 29, 2022

To the Honorable Common Council of the City of Milwaukee
Room 205 – City Hall

Re: Proposed global settlement of claims against all defendants. *Demetrious Lowe v. Donald Gaglione, Jr., Brandon Rutherford, Peter Hauser, Daniel Sutyak, Daniel Pierce, Bradley Nickel, Michael Mattioli, Robert Guetchidjian, and Andrew L. Langer. Case # 21-CV-560*

Dear Council Members:

Enclosed please find a proposed resolution recommending settlement of the above referenced case, as well as a fiscal impact statement. We request this matter be assigned before the Judiciary & Legislation Committee to an open session in order to take action.

Mr. Lowe sued Officer Donald Gaglione, Jr., and eight other Milwaukee Police Department police officers, asserting a §1983 excessive force claim, and two related claims, alleging that on May 2, 2018, he was subjected to unreasonable use of force during an encounter with officers who were attempting to place him under arrest.

After some discovery, the parties agreed to undertake mediation in an effort to resolve this matter short of trial. On the advice of the mediator and with the risks of trial in mind, the parties engaged in settlement discussions and Plaintiff agreed to settlement of the entire case for a total of \$175,000.00, inclusive of attorneys' fees and costs.


Because of the unpredictability of a trial, and the City's risk for exposure to compensatory and punitive damages, as well as additional attorney fees and costs, we recommend that this matter be settled for that amount.



Common Council Resolution
Case # 21-CV-560, Proposed Global Settlement of claims against all defendants.
December 29, 2022

Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and its officers, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



TEARMAN SPENCER
City Attorney

Enclosure
NAD

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