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June 23, 2014

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

Re: Resolution Authorizing Settlement in the lawsuit entitled
Richard Betker, et al. v. City of Milwaukee, et al.

Resolution Authorizing up to \$1.2 Million of Contingent
Borrowing to Fund the Betker Settlement

Dear Council Members:

Enclosed please find two proposed resolutions. The first resolution would authorize payment of \$1.2 million to settle the claims raised by Richard Betker in the lawsuit entitled *Richard Betker, et al. v. City of Milwaukee, et al.*, U.S. District Court Case No. 08-CV-00760. The second resolution is to authorize contingent borrowing to fund the settlement.

In September 2008 Richard Betker filed a complaint alleging violation of his constitutional rights under the Fourth Amendment against the City of Milwaukee and several police officers with regard to injuries he sustained during the execution of a no-knock search warrant at his residence. Mr. Betker received gunshot wounds to his finger and shoulder during the search. The City moved for summary judgment which the District Court granted in part, dismissing all claims except the claim against defendant Rudolfo Gomez. Officer Gomez was alleged to have made false or misleading representations in his application for the no-knock search warrant of Mr. Betker's home. The City appealed the denial of the summary judgment to Officer Gomez. In September 2012 the Seventh Circuit denied the City's appeal and returned the case for trial to the District Court.

The case proceeded to trial, and on November 20, 2013 the jury returned a verdict in favor of the plaintiff, Richard Betker, and against defendant, Rudolfo Gomez. Mr. Betker was awarded \$750,000 in compensatory damages and \$250,000 in punitive damages.



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After the verdict, Mr. Betker petitioned for an award of attorney's fees and costs of approximately \$240,000. The City filed a motion for a new trial or alternatively to reduce the judgment. The District Court has denied that motion.

Based on the status of these claims, it is the City Attorney's recommendation that settlement now be paid in the amount of \$1.2 million. In exchange for the settlement, Mr. Betker and his spouse, Sharon Betker (who was formerly a plaintiff in the matter) will execute a settlement agreement and general release of all claims arising out of the incident.

The resolution authorizing up to \$1.2 million of contingent borrowing has been discussed with the Budget and Management Division. We request that this matter be assigned for a hearing in closed session before the Judiciary & Legislation Committee and the Finance & Personnel Committee.

Very truly yours,

GRANT F. LANGLEY
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MRH:lmb
c: Mark Nicolini
enclosures
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