

September 3, 2003

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

Re: Communication from attorney Alan D. Einsenberg
On behalf of Gail K. Rulle & James Harsh
C.I. File No. 03-L-81 & 81-1

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, Gail Kristen Rulle & James Harsh, 5513-A North 31st Street, Milwaukee, WI 53209, allege through their attorney, Law Offices of Alan D. Eisenberg, 3111 West Wisconsin Avenue, Milwaukee, WI 53208-3957, that on May 21, 2003 they sustained damages when a Milwaukee Police Officer shot and killed their dog. They claim damages in the amount of \$1,000,000.00.

Our investigation reveals that the police were sent to investigate an entry in progress at 3100 West Sheridan Avenue. This location is adjacent to the claimant's residence. They were attempting to secure the rear and side of the property when the unrestrained dog, later identified as a 4½ year old German Shepherd, charged towards an officer. The officer had no plausible escape route and believed that the dog was about to attack him. The officer fired one shot

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wounding the dog, but the dog continued to advance. The officer fired several more shots until the dog ran away. The dog later died. The police acted properly in this matter and would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2003-1992:71520 (Rulle)
1032-2003-1992.001:71520 (Harsh)