

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

January 30, 2007

To the Honorable Committee
on Judiciary and Legislation
of the Common Council
Room 205 – City Hall

Re: Estate of Felix Hopgood, et al. v. City of Milwaukee, et al.
Case No. 06-C-0786

Dear Committee Members:

Enclosed for your consideration, please find a resolution regarding the above-noted matter, and appropriate fiscal note.

The Estate of Felix Hopgood and Mr. Hopgood's father brought a civil suit against the City of Milwaukee and certain unnamed police officers, relative to the death of Felix Hopgood, which occurred on or about July 24, 2003. In short, Mr. Hopgood collapsed while located in the male bullpen of the City Jail, and soon thereafter he died. The Medical Examiner's report indicates that his death was due to heart failure caused by cocaine toxicity. Plaintiffs claimed that jail personnel and/or officers involved with the initial arrest process failed to provide proper medical care and attention for Mr. Hopgood, thus causing his death. Our defense is that Mr. Hopgood's heart failure and death were caused by his own decision to ingest cocaine.

We have thoroughly investigated this case, and are prepared to proceed with full discovery and a trial. However, the parties realize the inherent risks and costs associated with litigation, and engaged in settlement discussions. The parties were able to arrive at a reasonable resolution of this case. In short, the plaintiffs have agreed to resolve this case for payment of \$30,000.

Comm. on Jud. and Legislation
January 30, 2007
Page 2

Our experience indicates that the costs of litigating this case and proceeding to trial might far exceed \$30,000. Furthermore, while we believe that the actions of any police personnel were reasonable and lawful, we also recognize the inherent risks of trying a case before a jury of 12 lay people. Settlement of this case does not constitute an admission of liability by either party. Furthermore, settlement avoids further controversy associated with the trial.

Based upon the foregoing discussion, we recommend settlement of this lawsuit, for payment of \$30,000, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



GRANT F. LANGLEY
City Attorney



SUSAN E. LAPPEN
Assistant City Attorney

SEL:dms

Enc.

114716