

GRANT F. LANGLEY

City Attorney

LINDA ULISS BURKE
VINCENT D. MOSCHELLA
DANIELLE M. BERGNER
MIRIAM R. HORWITZ
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

THOMAS O. GARTNER
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUEN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE RUTLEDGE
JAY A. UNORA
DONALD L. SCHRIEFER
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNING
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
JENNY YUAN
T.C. MAKAYA
KAIL J. DECKER
ALLISON N. FLANAGAN
LA KEISHA W. BUTLER
Assistant City Attorneys

November 13, 2014

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

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

File No. 1141162

Dear Council Members:

Enclosed please find a proposed substitute resolution to approve a settlement for \$95,500 to settle the claims raised by Joe Bohannon in the lawsuit entitled *Joe Bohannon v. City of Milwaukee, et al.*, U.S. District Court Case No. 13-CV-1224, as well as a fiscal impact statement.

On October 31, 2013, Mr. Bohannon filed a Complaint with the United States District Court for the Eastern District of Wisconsin, Case Number 13-CV-1224 alleging, among other things, unreasonable search and seizure in violation of his constitutional rights and civil rights under the United States Constitution. In addition to suing the City of Milwaukee directly, Mr. Bohannon sued Police Chief Edward Flynn, former Sergeant Jason Mucha and former officer Michael Vagnini, and Officers Jeffrey Dollhopf, Matthew Gadzalinski and Erin Perleberg. Mr. Bohannon alleges that during a traffic stop on April 1, 2008, Officer Vagnini subjected him to an unlawful search and that he was subjected to excessive use of force. Defendants' motion for summary judgment was denied and the case was set for trial. Although the defendants deny that any unlawful search was conducted, and deny other issues of alleged unconstitutional conduct, the parties agreed to engage in mediation, resulting in the proposed settlement which the City Attorney recommends.



To the Honorable Common

November 13, 2014

Page 2

Based on the status of these claims, it is the City Attorney's recommendation that the proposed settlement is in the City's best interest. In exchange for the settlement, Mr. Bohannon will execute a settlement agreement and general release of all claims arising out of the incident.

We request that this matter be assigned for a hearing in closed session before the Judiciary & Legislation Committee and the Finance & Personnel Committee to be followed by an open session in order to take action.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
Deputy City Attorney

MRH:mrh
c: Mark Nicolini
Enclosures

209972