

**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. HOUREN**  
**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**  
Assistant City Attorneys

August 27, 2014

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

Re: Proposed Settlement in *Kimberly Wade, et al. v. City of Milwaukee, et al.*  
Case No. 10-CV-021678

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

The above-noted lawsuit was brought by Kimberly Wade and Darnell Adkins, the parents of Shanica Adkins, against two police officers, the city, and the driver of a vehicle fleeing from police. Ms. Adkins was a passenger in a sedan driven by Donta Brown in the early morning hours of December 31, 2009. The sedan proceeded on Sherman Boulevard with a green light into the intersection with Center Street when it was struck by a Mercury Mountaineer SUV, driven by Johnny Jones and traveling at excessive speed on Center Street and through a red light. Shanica Adkins was killed instantly.

Jones was fleeing from the defendant Police Officers Drought and Lidwin who had observed no front license plate on the SUV. The plaintiffs allege that the officers were negligent in initiating and conducting a vehicle pursuit in a manner contrary to that prescribed by certain standard operating procedures of the Milwaukee Police Department.

Discovery in the lawsuit revealed that the officers observed that the SUV did not have a front license plate. The driver of the squad did not observe the temporary license plate on the rear of the SUV. The other officer did not relate to the driver that he had seen the



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plate. The officers intended to conduct a traffic stop.

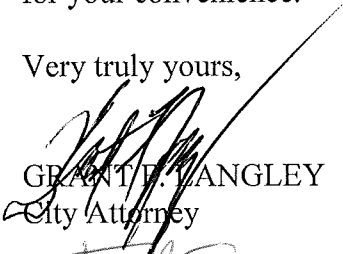
The collision between the SUV and the plaintiff's vehicle occurred approximately eight blocks from the intersection where the officers first observed the SUV. In attempting to effect the stop, the officers activated first their emergency lights and then their siren. Rather than pulling over, however, the SUV at first continued to drive down the street and then accelerated up to a speed of 50 to 55 miles per hour. Once that occurred, the officers reduced their speed, turned off their lights and siren, but continued to drive along the street. When the collision occurred, they were about two blocks away from the intersection.

At the time of the incident, Milwaukee Police Department policies prohibited a vehicle pursuit for a traffic violation. The policies also required that any squad terminating a pursuit had to pull over or turn off the street on which they were travelling. The phrasing of the rules did not make clear whether the officers' actions here could properly be described as a vehicle pursuit, rather than a traffic stop.

The City and officers moved for summary judgment on discretionary immunity grounds. The trial court denied the motion. The matter was set for trial, but, before trial, proceeded to mediation.

The plaintiffs have agreed to accept \$50,000 as settlement of their claims against the city and the officers. Because settlement in this matter is deemed expeditious, we recommend payment of the proposed settlement amount, and have enclosed an appropriate resolution for your convenience.

Very truly yours,



GRANT F. VANGLEY  
City Attorney



JAN A. SMOKOWICZ  
Assistant City Attorney

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Enclosure

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