

January 7, 2004

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

Re: **Brown, et al. v. City of Milwaukee, et al.**  
**Case No. 02-C-0178**

Dear Council Members:

Enclosed please find a resolution, relative to the above-captioned matter.

This case stems from a police-involved motor-vehicle stop, which occurred at approximately 7:15 p.m. on January 29, 1998, and which involved a case of mistaken identity. Ms. Brown is the individual who was mistakenly stopped at gunpoint, and detained by the police. Ms. Brown is an older woman, who is an MPS guidance counselor. She has no prior record of police contacts. She was on her way home from caring for her invalid mother.

In her lawsuit, Ms. Brown raised the following federal claims:

1. unlawful seizure;
2. excessive use of force;
3. municipal “ratification” of the alleged unlawful conduct of the police officers; and
4. violation of Ms. Brown’s due process and equal protection rights, relative to an alleged police “cover up.”

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Ms. Brown also raised state law claims, and asserted that the 5. officers’ conduct “violated their respective duties of care toward the plaintiff, and was a substantial factor in, and the proximate cause of, plaintiff’s physical and emotional injuries.” Furthermore, the plaintiff asserted that 6.

“the City of Milwaukee violated plaintiff’s rights to receive public information under the open records law.”

We brought a motion for summary judgment. On October 21, 2003, Judge Adelman issued a decision and order, relative to said motion. Judge Adelman granted our motion regarding the claims against the City, and also regarding the due process, equal protection and state-law claims. He also dismissed the unlawful-stop claim. However, the judge determined that there were questions of fact regarding the claims stemming from both the manner in which the stop was performed and Officer Garcia’s use of force. Thus, those claims would proceed to trial, and as you know, the outcome of a jury trial cannot be predicted with certainty.

After some discussion with plaintiff’s counsel, we learned that Ms. Brown’s attorneys fees to date exceed \$30,000.00. She also has bills, relative to her alleged injuries and related medical and psychological treatment. Given the uncertainty we would face presenting this case before a jury, we engaged in a mediation process on December 23, 2003. As a result of mediation, the parties agreed to resolve this matter for the payment of \$40,000.00 to Ms. Brown and her attorneys. There is no admission of any liability on the part of the individually named officer defendant, or any other representative of the City of Milwaukee. Should we proceed to trial, and receive an adverse jury verdict regarding either of the remaining two issues, not only would the City be forced to pay any judgment awarded, relative to Ms. Brown’s alleged injuries, but the City would also be forced to pay her attorneys’ fees, which by that time would likely exceed \$50,000.00. Thus, we recommend settlement of this case, as settlement is in the best interests of the City.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

SUSAN E. LAPPEN  
Assistant City Attorney  
SEL:lae  
Enclosure  
1032-2002-1014:76298