

TEARMAN SPENCER
City Attorney

KIMBERLY R. WALKER
Special Deputy City Attorney

MIRIAM R. HORWITZ
MARY L. SCHANNING
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

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
SHEILA THOBANI
KATRYNA C. RHODES
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
JENNIFER J. TATE
Assistant City Attorneys

October 12, 2020

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

Re: Proposed Settlement of claims against the City of Milwaukee and a police officer
in the lawsuit, *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case
No. 17-CV-862-LA

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 below recommendation. A companion resolution to authorize contingent borrowing to fund the proposed settlement will be filed separately and should be referred to the Finance and Personnel Committee.

The incident at the basis of this lawsuit occurred on the afternoon of August 16, 2016. Officer Heaggan-Brown, along with two other officers, was on an overtime detail near Sherman Park. During the course of his duties and during his attempt to arrest Mr. Smith, Officer Heaggan-Brown shot and killed Mr. Smith. Mr. Smith's Estate, as well as his mother and father, individually, brought a lawsuit in federal court claiming that, now, former Officer Heaggan-Brown used excessive force in violation of the Fourth Amendment. Further, the Complaint asserts several state law claims relating to the shooting.

After unsuccessfully moving for summary judgment on the basis of qualified immunity, the parties agreed to undertake mediation in an effort to resolve this matter short of trial. On the advice of the mediator and with the risks of trial in mind, the parties engaged in settlement discussions and Plaintiffs agreed to settle the entire case for a total of \$4,000,000.00, which includes attorneys' fees and costs.



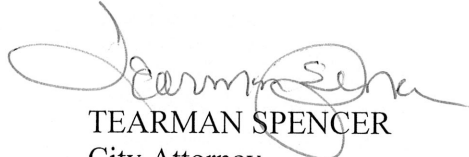
Honorable Common Council

October 12, 2020

Page Two

Because of the unpredictability of a trial, and the City's risk for exposure to compensatory and punitive damages, as well as additional attorney fees and costs, we recommend that this matter be settled for that amount. Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and its officer, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



TEARMAN SPENCER
City Attorney

/s/ Naomi E. Gehling

NAOMI E. GEHLING
Assistant City Attorney

Enclosure

NEG/cdr

1032-2017-1371/271583