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January 13, 2022

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

Re: Proposed Settlement of the claims against City of Milwaukee, Melvin Finkley,
and Adam Stahl in the lawsuit, *Jerry Smith, Jr. v. City of Milwaukee, et. al.*,
Case No. 18 CV 143 (EDWI)

Dear Honorable Council Members:

Enclosed please find a proposed resolution recommending settlement of the above-referenced case. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the below recommendation.

Plaintiff, Jerry Smith, Jr. filed the above-referenced lawsuit alleging that Milwaukee Police Department officers Melvin Finkley and Adam Stahl violated his civil rights when they shot him while he was unarmed and posed no immediate threat to them. The officers were responding to a citizen report that Mr. Smith had been involved in a physical altercation with others earlier in the day, and had returned to the scene with a gun which he used to threaten others. When Officers Finkley and Stahl encountered the plaintiff, believing he was a threat to them, they fired their guns, shooting him three times. The plaintiff suffered permanent injury as a result of this incident.

Officers Finkley and Stahl denied violating Mr. Smith's civil rights, and affirmatively alleged that they were immune from liability for any actions taken. The District Court denied the officers' motion for summary judgment based on qualified immunity. The case was then appealed to the Seventh Circuit Court of Appeals on the basis of qualified immunity. The appellate court determined that there were factual disputes sufficient to deprive the court of jurisdiction to act and returned the matter to the District Court for further proceedings.

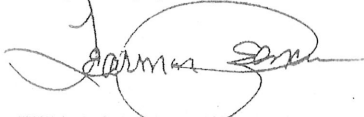


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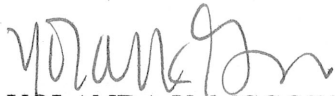
Following the appellate court's decision regarding qualified immunity, the parties were unsuccessful in their attempts to resolve this matter via mediation. However, post-mediation efforts proved successful; we have negotiated a settlement agreement with Plaintiff's counsel, as to all defendants, in the amount of \$650,000, inclusive of all costs and attorney's fees.

The facts and circumstances in this case present a number of challenges for both sides. Given the unpredictability of trial and the totality of the facts and circumstances we recommend that this matter be settled for the agreed-upon amount. Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and its officers, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



TEARMAN SPENCER
City Attorney



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Deputy City Attorney

YYM/cdr

Enclosures

1032-2018-707.001/278417