

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
JAY A. UNORA
MARYNELL REGAN
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

May 11, 2015

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

Re: Resolution authorizing settlement of claims in the lawsuit entitled
Danyall Simpson, et al. v. James Langer, et al.
U.S.D.C. Case Number 12-CV-500

Dear Council Members:

Enclosed please find a proposed resolution to authorize the settlement of claims in the above captioned lawsuit. Please introduced this resolution and refer it to the Committee on Judiciary and Legislation for discussion in closed session, followed by open session for the committee to take appropriate action, with the following recommendation.

Danyall Simpson filed suit in the United States District Court for the Eastern District of Wisconsin and claimed to have been subjected to violations of his civil rights on May 21, 2006, by former Police Officer James Langer and Police Officer Zoe Jackson. Mr. Simpson also filed claims directly against the City of Milwaukee alleging that the actions of the police officers were the result of a policy or practice of the Milwaukee Police Department; however, those claims were dismissed pursuant to a motion by the City.

Mr. Simpson alleged that Mr. Langer used excessive force against him by striking him with a flashlight, and that P.O. Jackson failed to take action to prevent the harm to Mr. Simpson. It is undisputed that Mr. Langer did intend to strike Mr. Simpson with his flashlight and that Mr. Langer struck Mr. Simpson in his face causing injuries, including a fracture to his right orbital; however, it is Mr.



To the Honorable Common Council

May 11, 2015

Page 2

Langer's contention that he lawfully struck Mr. Simpson in order to overcome his resistance to arrest, and that Mr. Langer had intended to strike Mr. Simpson in his right shoulder, but missed, striking him in the face, due to Mr. Simpson's movements and resistance. P.O. Jackson asserts that she did not see Mr. Langer's use of force, had no opportunity to stop it, and was not aware it was going to be deployed until it was over.

The matter was to be set for a jury trial; however, the parties agreed to enter into mediation. Pursuant to pre-hearing negotiations, Mr. Simpson agreed to settle all his claims, inclusive of all fees and costs, and the subrogated claim of an involuntary plaintiff insurance company, for the amount of \$75,000.

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. Simpson will execute a settlement agreement and general release of all claims arising out of the incident.

Very truly yours,



GRANT E. LANGLEY
City Attorney



ROBIN A. PEDERSON
Assistant City Attorney

Enclosures

1032-2012-1383:215340