

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

March 1, 2007

To the Honorable Committee
on Judiciary and Legislation
of the Common Council
Room 205 – City Hall

Re: Pundsack v. City of Milwaukee, et al., Case No. 04-C-1207

Dear Committee Members:

Enclosed for your consideration, please find a resolution regarding the above-noted matter, and appropriate fiscal note.

The Estate of Edward Pundsack, his wife, his child and his father brought a civil suit against the City of Milwaukee, former Chief Arthur Jones and Sergeant Mark Wagner, relative to the shooting death of Edward Pundsack, which occurred on or about December 23, 2002. In short, Sergeant Wagner maintains that he was forced to fire his weapon at Mr. Pundsack, and thus employ deadly force, because he perceived that Mr. Pundsack was posing a threat to his life, and the lives of other officers, by his use of his motor vehicle. Plaintiffs maintain that the sergeant was unreasonable in his use of force.

This matter was presented to the Judiciary and Legislation Committee, in closed session, on January 29, 2007. The Committee approved settlement of this case for \$50,000.00.

Comm. on Jud. and Legislation
March 1, 2007
Page 2

Based upon the foregoing discussion, we recommend settlement of this lawsuit, for payment of \$50,000, and have enclosed an appropriate resolution for your consideration.

Very truly yours,

GRANT F. LANGLEY
City Attorney

SUSAN E. LAPPEN
Assistant City Attorney

SEL:dms

Enc.

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