

April 22, 2002

The Honorable Common Council  
of the City of Milwaukee  
Room 205, City Hall  
Milwaukee, WI 53202

Re: **Payment of Judgment in the Lawsuit Entitled  
Marshall v. Teske, et al.  
Case No. 98-C-306; City Attorney No. 98-C-113**

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 following recommendation:

The plaintiff, Jeffrey O'Neal Marshall, was stopped and taken into custody by Milwaukee police officers on September 11, 1997. The officers took Mr. Marshall into custody, and processed him at a Milwaukee police district station, because they believed he was involved in illegal drug-related activity, at the scene where they were executing a drug-related search warrant. Mr. Marshall subsequently brought suit, alleging unlawful arrest, unlawful imprisonment and use of excessive force.

The case went to trial in January, 2001. The unlawful-imprisonment claim was dismissed prior to the case going to the jury. The jury returned a verdict in favor of the officers, relative to the excessive-force claim. However, the jury returned a verdict in favor of Mr. Marshall, relative to the probable-cause-to-arrest claim. The jury awarded \$130,000 in damages, which included \$100,000 in punitive damages. The court awarded Mr. Marshall an additional \$86,375.00 in attorney's fees.

The matter was appealed. In a Decision and Order dated March 27, 2002, the United States Court of Appeals for the Seventh Circuit affirmed the trial court judgment. Furthermore, because the plaintiff was successful at the appellate-court level, he is entitled to approximately \$30,000 in additional costs and attorney's fees.

Hon. Common Council  
April 22, 2002  
Page Two

The above-described damages verdict, fees and costs, in addition to appropriate interest thereon, totals \$258,978.78. Payment of this amount must be made, in that it represents a court judgment. We have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

SUSAN E. LAPPEN  
Assistant City Attorney

GFL:SEL:enm  
Encs.  
52766