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October 13, 2014

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

Re: Resolution Authorizing Settlement in the lawsuit entitled
Precious Venable v. City of Milwaukee, et al.

Dear Council Members:

Enclosed please find a proposed resolution to approve a settlement for \$90,000 to settle the claims raised by Precious Venable in the lawsuit entitled *Precious Venable v. City of Milwaukee, et al.*, U.S. District Court Case No. 13-CV-1114, as well as a fiscal impact statement.

On September 30, 2013, Ms. Venable filed a Complaint with the United States District Court for the Eastern District of Wisconsin, Case Number 13-CV-1114 alleging, among other things, unreasonable search and seizure in violation of her constitutional rights and civil rights under the United States Constitution. In addition to suing the City of Milwaukee directly, Ms. Venable sued Police Chief Edward Flynn, former Sergeant Jason Mucha and former officer Michael Vagnini. Ms. Venable alleges that during a traffic stop in 2012, Officer Vagnini subjected her to a search that required her to lift shirt and to pull her pants away from her body while the officer looked down her pants.

Defendants' motion for summary judgment was denied and the issue of qualified immunity which was raised on behalf of the officer, was appealed to the Seventh Circuit Court of Appeals. The defense would proceed with that appeal, and subsequent to the appeal, the case would potentially go to trial on additional issues, in the event the matter is not settled.



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

We request that this matter be assigned for a hearing in closed session before the Judiciary & Legislation Committee and the Finance & Personnel Committee to be followed by an open session in order to take action.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
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MRH:mrh
c: Mark Nicolini
Enclosures