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May 26, 2015

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

Re: Resolution Authorizing Settlement in the lawsuit entitled  
*John Cunningham v. City of Milwaukee, et al.*

Dear Council Members:

Enclosed please find a proposed resolution to approve a settlement for \$35,000 to settle the claims raised by John Cunningham in the lawsuit entitled *John Cunningham v. City of Milwaukee, et al.*, U.S. District Court Case No. 14-CV-47, as well as a fiscal impact statement.

On January 14, 2014, Mr. Cunningham filed a Complaint with the United States District Court for the Eastern District of Wisconsin, Case Number 14-CV-47 alleging, among other things, excessive force and false arrest in violation of his constitutional rights and civil rights under the United States Constitution. In addition to suing the City of Milwaukee directly, alleging an unlawful policy and practice, Mr. Cunningham sued Officers Andrew Holzem and Dave Paskiewicz.

Mr. Cunningham alleges that on November 22, 2011, when he asked officers if he could talk to them as they were responding to an incident involving his girlfriend, he was thrown to the ground, sprayed with O.C. spray, and unnecessarily struck.

Based on the review of all the issues in this case, it is the City Attorney's recommendation that the proposed settlement is in the City's best interest. In exchange for the settlement, Mr. Cunningham will execute a settlement agreement and general release of all claims arising out of the incident.



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

Very truly yours,

GRANT F. LANGLEY  
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JY:cdr

Enclosures

1032-2014-470/215787