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April 29, 2008

Hon. Common Council
of the City of Milwaukee
Room 205 – City Hall
Milwaukee, WI 53202

Re: Settlement of Lawsuit Entitled *Miller v. Jones, et al.*
Case No. 03-C-0987

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, James E. Miller, Jr. was a Milwaukee Police Officer assigned to the Community Services Division working with the Police Athletic League (PAL) from 1991 until May 27, 2003. Miller has asserted in his federal lawsuit that former Chief Jones violated Miller's First Amendment rights by changing Miller's responsibilities and ultimately transferred him to routine patrol duties because of certain statements that Miller made.

Miller worked as PAL's executive director. He claims that he and Chief Jones disagreed over a possible collaboration between PAL and the Boys and Girls Club and that this disagreement prompted Chief Jones to arrange to reduce Miller's responsibilities at PAL. Chief Jones has insisted that he was prompted to act for reasons entirely unrelated to anything Miller said about the possible collaboration.

Miller also claims subsequently to have expressed concerns about the activities of the contractor retained to construct a building for the new PAL building. Although Miller did not uncover or reveal any illegal activities by the contractor or anyone else, it was later separately learned that the contractor had been involved in an illegal scheme with former State Senator Gary George, then a member of the PAL Board of Directors. Miller claims that then-Chief Jones ordered Miller's transfer in May 2003 to routine patrol duties as a result of Miller's expressed concerns about the contractor. Chief Jones denies this and

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asserts that he transferred Miller at the captain's request, once again because reasons entirely unrelated to anything Miller said about the contractor.

In his lawsuit, Miller sought more than \$1,000,000 in compensatory and punitive damages. The case has gone through substantial discovery proceedings, two dispositive pretrial motions, and an appeal. Miller is now willing to accept \$160,000 to settle all his claims, including claims for attorney fees.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this proposed settlement amount and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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