

**GRANT F. LANGLEY**

City Attorney

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



THOMAS O. GARTNER  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE RUTLEDGE  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRLICH  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
THOMAS D. MILLER  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
CHRISTINE M. QUINN  
MARGARET C. DAUN  
JEREMY R. MCKENZIE  
MARY L. SCHANNING  
PETER J. BLOCK  
NICHOLAS P. DESIATO  
JOANNA GIBELEV  
Assistant City Attorneys

August 29, 2013

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

***Re: Family Worship Center Pentecostal Church of  
Holiness, Inc., et al. v. See, et al.  
Case No. 09-C-94***

Dear Council Members:

Enclosed is a proposed resolution and fiscal note authorizing payment of funds pursuant to a settlement agreement reached in the above-referenced matter. We request that the enclosed documents also be referred to the appropriate committee or committees for review.

This case stems from an event which occurred on December 10, 2006 at the Family Worship Center Pentecostal Church of Holiness. The plaintiffs are the church itself (separate from its congregants) and two individual members of the church. They claim that Milwaukee police personnel unlawfully entered, seized and searched the church, that excessive force was used against the two individual plaintiffs, and that one of those individuals was unlawfully arrested. The defendants maintain that officers lawfully entered the church and took into custody a person in need of mental health care, and that they took lawful action against two individuals who interfered with their actions. Significant discovery work has been conducted, and the issues were reviewed by the federal court via a summary judgment briefing. The judge concluded that there were many factual disputes which precluded summary judgment regarding several issues, and therefore they must proceed to jury trial. The judge also directed the parties to engage in settlement discussions.

To the Honorable  
Common Council of the  
City of Milwaukee  
August 29, 2013  
Page 2

To date, plaintiffs' attorneys fees and costs total \$236,000. They have agreed to settle this case at this time for \$98,000.00. There are risks associated with proceeding to trial. We recommend that this matter be settled for that amount. Consistent with our recommendation, we have enclosed an appropriate resolution for your consideration.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

SUSAN E. LAPPEN  
Assistant City Attorney

SEL:tas

Enclosures

1032-2009-76.001:193986