

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
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 R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
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
Assistant City Attorneys

October 9, 2012

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

RE: *Jude, et al. v. City of Milwaukee, et al.*
Case No. 06-C-1101

Dear Council Members:

Enclosed is a proposed resolution and fiscal note authorizing payment of a settlement amount regarding the indemnification cross claims raised by several codefendants 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 October 24, 2004, and which involved plaintiff Frank L. Jude, Jr. and several individuals who were then employed as Milwaukee police officers. Mr. Jude claimed that those individuals used excessive force against him while acting in the scope of their employment. The City defended that those individuals did not commit the subject acts while acting in the scope of their employment, but rather that they acted to further their own personal interests, which were unrelated to their official duties. Mr. Jude's claims were settled earlier this year for \$2,000,000.00.

While Mr. Jude's claims have been settled, the codefendants' cross claims for indemnification remain viable. We recently negotiated a settlement amount during mediation. The total amount negotiated

Honorable Common Council

October 9, 2012

Page 2

was \$194,500.00. We recommend that these matters 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/wt

Enclosure

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