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July 30, 2025

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

Re: Communication regarding settlement for I.T. v. City of Milwaukee
and Eric Humphry, Jr.; Case No. 24CV004614
C.I. File No. 1030-2024-1024

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

On June 14, 2021, Eric Humphry Jr., was in the course and scope of his employment for the Department of Public Works, driving a garbage truck when he attempted a left-hand turn, lost control and penetrated the exterior wall of a residential building. At the time of this collision, the minor Plaintiff was inside. The Plaintiff alleged substantial economic and non-economic damages in the form of past, present, and future pain, suffering and disability; past present, and future medical expenses; and loss of enjoyment of life. Plaintiff made an initially demand in the amount of \$252,700.00.

Plaintiff filed suit in the Milwaukee County Circuit Court upon a theory of negligent operation of a motor vehicle which carries a \$250,000.00 statutory cap on damages. The Defendant would be liable for that portion of the Plaintiff's damages that could be attributed to Mr. Humphry's negligence. Any liability would likely be imputed to the City by the doctrine of *respondeat superior* and by the operation of the government employee indemnification statute. See Wis. Stat. § 895.46(1).



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The parties engaged in extensive litigation, wherein Plaintiff offered and Defendants accepted a statutory offer of settlement on all claims, including attorney's fees and costs, for \$125,000.00. With the uncertainty of trial and the potential of incurring liability and costs in excess of \$125,000.00, we recommend settlement of this claim in the amount of \$125,000.00, and have enclosed an appropriate resolution.

Very truly yours,

A handwritten signature in blue ink, appearing to read "E.C. Goyke", with a long horizontal flourish extending to the right.

EVAN C. GOYKE
City Attorney

A handwritten signature in blue ink, appearing to read "K. P. Todt", with a long horizontal flourish extending to the right.

KEVIN P. TODT
Assistant City Attorney

ECG/KPT/cdr

Enclosures

1030-2024-1024/298689