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April 21, 2015

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

Re: Resolution authorizing settlement of claims in the lawsuit entitled  
*Leo Hardy v. City of Milwaukee, et al.*, Case No. 13-CV-769 (E.D. Wis.)

Dear Council Members:

Enclosed please find a proposed resolution to authorize the settlement of claims in the above captioned lawsuit. Please introduced this resolution and refer it to the Committee on Judiciary and Legislation for discussion in closed session, followed by open session for the committee to take appropriate action, with the following recommendation.

Leo Hardy claimed to have been subjected to an unlawful stop, a strip search and false arrest. The case was tried to a jury, which returned a verdict on August 7, 2014, finding that the plaintiff, Mr. Hardy, had been illegally stopped and arrested, but not illegally searched. The jury awarded \$6,000.00 in compensatory damages and \$500,000.00 in punitive damages. The City filed two post-trial motions, one for a partial new trial and another that requested a significant reduction of the jury's punitive damages award. By order dated February 27, 2015, the judge granted the City's motion for a reduction of the punitive damages award and denied its other post-trial motion for a partial new trial. The punitive damages were reduced from \$500,000 to \$54,000. Thus, based on the jury's verdict, as reduced by the court, Mr. Hardy would be entitled to judgment for \$60,000 in compensatory and punitive damages, plus reasonable attorney fees and costs.

Mr. Hardy's attorneys petitioned the court for approximately \$550,000 in attorney fees and costs before the resolution of the post-verdict motions. Since that petition, Mr. Hardy's attorneys have asserted a claim for additional attorney fees for post-verdict legal work. The matter of attorney fees and costs has been mediated with a magistrate judge

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and the City Attorney now recommends settlement of this matter for the total sum of \$393,500, representing \$60,000 to Mr. Hardy in damages, and \$333,500 for attorney fees and costs. In exchange for this settlement, Mr. Hardy will provide a complete release of all claims.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MIRIAM R. HORWITZ  
Deputy City Attorney

MRH/MRH  
enclosures  
1032-2013-1957:214662

