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March 15, 2022

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

Re: Communication regarding Holifield v. Kulwich, et. al. Settlement
C.I. File No. 1032-2019-292

Dear Council Members:

Enclosed please find a proposed resolution to approve a settlement for \$8,000.00 to settle the claims raised by Al Holifield, Jr. *in Holifield v. Kulwich et. al.*, Eastern District of Wisconsin, Case No. 18-CV-801-BHL as well as a fiscal impact statement.

On May 24, 2018, Mr. Holifield filed a federal lawsuit in the Eastern District of Wisconsin alleging constitutional violations based upon unreasonable search and seizure, and other claims. The City was successful in many of the claims being dismissed through summary judgment in the district court, and affirmed in the Seventh Circuit. The Seventh Circuit remanded one final issue, the reasonableness of the search of Mr. Holifield's residence.

Based on the review of all the issues in this case, it is the City Attorney's recommendation that the proposed settlement is in the City's best interest. In exchange for the settlement, Mr. Holifield has executed a settlement agreement and general release of all claims arising out of the incident.

This settlement amount was discussed before the Judiciary & Legislation Committee in closed session on March 14, 2022.

Very truly yours,

TEARMAN SPENCER
City Attorney

HEATHER HECIMOVICH HOUGH
Assistant City Attorney

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Enclosures

1032-2019-136/279088