

January 24, 2006

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

Re: Heitzer v. City of Milwaukee, et al., Case No. 05-C-0865

Dear Council Members:

We return the enclosed document, which has been filed with the City Clerk, and ask that it be introduced and referred to the Committee on Judiciary & Legislation.

Plaintiff, Arthur Heitzer, claimed that certain of his constitutional rights were violated, when he was placed under arrest and cited by a Milwaukee police officer, on or about March 23, 2003. In short, Mr. Heitzer was acting as a “legal observer,” with reference to an anti-war protest which was occurring in downtown Milwaukee. The officer maintained that Mr. Heitzer was arrested and cited, because he interfered with her performance of her duties, and because he refused to go to the sidewalk area, after being ordered to do so. Mr. Heitzer claims that he was arrested because he simply asked the police officer for her badge number, and she refused to give it to him. Because of certain issues present in this case, the case was mediated by Judge Clevert. Judge Clevert recommended settlement of this matter.

At the mediation, it was determined that the plaintiff has invested approximately \$11,000 in attorney’s fees to date. Furthermore, he has invested approximately \$1,400 in costs. Should the case proceed to trial, that amount would increase significantly, and potentially could exceed \$50,000. If the City defendants did not prevail on any of the claims, the City would have to pay the entirety of the attorney’s fees and costs, in addition to any liability judgment ordered by the jury. Certain of the claims at issue involve questions of fact, and the outcome of a jury trial is unpredictable. In an effort to manage the risk associated with this case proceeding to trial, we negotiated a settlement amount of \$8,500.

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Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this settlement amount, and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

SUSAN E. LAPPEN  
Assistant City Attorney

SEL:dms

Enc.

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