

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINGENT 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 M. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
Assistant City Attorneys

August 22, 2011

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

Re: Resolution to approve settlement agreement in the matter of *Bernson v. City of Milwaukee and Kurt Kezeske*, U.S.D.C. Case No. 10C00009 (a/k/a *Wisconsin Carry, Inc., et al v. City of Milwaukee, et al*)

Dear Council Members:

Enclosed please find a resolution to approve a proposed settlement agreement in the matter of *Bernson v. City of Milwaukee and Kurt Kezeske*, which is pending in the United States District Court for the Eastern District of Wisconsin under the above referenced case number.

The litigation concerns a claim advanced by David Bernson and an organization called Wisconsin Carry, Inc., that Mr. David Bernson's arrest and the seizure of his gun on June 6, 2009 violated Mr. Bernson's constitutional rights. The complaint was originally filed on January 8, 2010 and included other municipalities and other defendant officers. The allegations in the original complaint included challenges based upon unreasonable search and seizure and also alleged that the Wisconsin Gun Free School Zone Act was unconstitutional. On May 31, 2011, the Court granted a motion to sever claims, and plaintiff Bernson amended the complaint as a sole plaintiff alleging claims against the City of Milwaukee and Officer Kezeske.

The settlement calls for payment of \$6,500 full payment of all damages including attorney fees and costs in exchange for a complete release of all claims that could have been brought by against the City, the Officer Kezeske or any other Milwaukee police officer concerning the June arrest and gun seizure. There is no admission of liability.

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

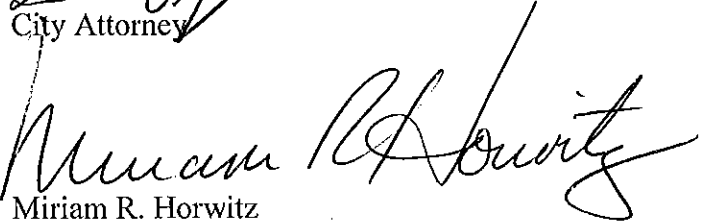
To The Honorable Common Council
August 22, 2011
Page 2

The City Attorney requests referral to the Judiciary and Legislation Committee for a meeting in closed session for purposes of conferring with the City Attorney pursuant to §19.85(1)(g), followed by open session for action as part of the regular agenda.

Very truly yours,



GRANT F. LANGLEY
City Attorney



Miriam R. Horwitz
Assistant City Attorney
Enc.
MRH/MRH
1032-2010-80