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March 7, 2008

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

Re: Hollins v. Ritt, et al., Case No. 05-C-0623

Dear Council Members:

Enclosed for your consideration, please find a resolution regarding the above-noted matter, and appropriate fiscal note.

David Hollins, Jr. brought a civil suit against the City of Milwaukee, former Chief Arthur Jones, former Chief Nannette Hegerty, former Officer Demetrius Ritt and Detective Charles Libal, relative to his arrest, which took place on June 23, 2002. In short, Mr. Hollins maintained that he was unlawfully arrested, and that officers used excessive force in effecting his arrest, and that his First Amendment, Eighth Amendment and due process rights were violated. The defendants maintained that any use of force was reasonable, and that the subject arrest was lawful.

Defendants brought a motion for partial summary judgment, in an effort to have the court resolve a variety of legal issues. The defendants did not move for summary judgment on the use-of-excessive-force or unlawful arrest claims, as those claims involved questions of significant fact, which could only be resolved by the triers of fact. In any event, the court granted the City defendants' motion for partial summary judgment, and the only two issues which were to proceed to trial were the unlawful arrest and excessive force claims, and only as against defendants Ritt and Libal. All claims against the City, former Chief Jones and former Chief Hegerty were dismissed.

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The case proceeded to mediation on two occasions, in response to the urging of the federal court. Through that process, we learned that plaintiff's attorney's fees and costs to date exceed \$100,000. As a result of further consideration during the course of a pretrial conference held with the court on January 31, 2008, the plaintiff accepted a settlement offer of \$20,000.

While we determined that the arrest of Mr. Hollins was lawful, we also recognize the risks associated with proceeding to trial, and trying the case before a jury of lay persons. If the defendants did not prevail at trial, the taxpayers would be forced to pay well over \$100,000 for attorney's fees and costs, in addition to any judgment awarded to the plaintiff for his alleged injuries and damages. Therefore, we recommend settlement of this lawsuit, for payment of \$20,000. We have enclosed an appropriate resolution for your consideration.

Very truly yours,

GRANT F. LANGLEY
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Enc.

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