

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY & LEGISLATION COMMITTEE

ITEM 6, FILE # 020108

MAY 6, 2002

MARK A. RAMION

File # 020108 is a resolution authorizing payment of the damages judgment entered, fees and costs awarded and appropriate interest in the lawsuit entitled *Marshal v. Teske, et. al.*, Case No. 98-C-306. This payment represents a court judgment.

Background

The plaintiff, Jeffrey O’Neal Marshall, was stopped and taken into custody by Milwaukee police officers on September 11, 1997 for drug-related charges. Mr. Marshall subsequently brought suit against the city alleging unlawful arrest, unlawful imprisonment and the use of excessive force.

Discussion

1. This case went to trial in January 2001. The unlawful imprisonment claim was dismissed prior to the case going to the jury. The jury returned a verdict in favor of the officers regarding the excessive force claim. The jury returned a verdict in favor of Mr. Marshall in regard to his claim of probable-cause-to arrest.
2. The jury awarded \$130,000 in damages including \$100,000 in punitive damages.
3. The court awarded Mr. Marshall \$86,375 in attorney’s fees.
4. On March 27, 2002, the United States Court of Appeals for the Seventh Circuit affirmed the lower court ruling. The plaintiff is entitled to an additional \$30,000 in additional costs and attorney’s fees.
5. The total claim amount in this resolution represents damages, court costs, attorney’s fees and the appropriate amount of interest.

Fiscal Impact

1. The fiscal impact of this resolution is \$258,978.78, to be expended from the Damages and Claims Special Purpose Account.
2. As of May 3, 2002, the 2002 Damages and Claims Special Purpose Account had a balance of \$1,140,818.20.
3. Upon approval of this resolution and File # 020028 previously considered and approved, the 2002 Damages and Claims Special Purpose Account will have a balance of \$879,339.42.

Further Information

In January 2002, \$600,000 was expended from the 2002 Damages and Claims Special Purpose Account in partial settlement of the case regarding discrimination in the selection of firefighters.

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LRB-Fiscal Review Section
May 3, 2002

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