

January 27, 2004

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

Re: Communication from attorney Alan Eisenberg
on behalf of Herbert Haldemann
C.I. File No. 03-L-83

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 with the following recommendation.

Claimant, Herbert Haldemann, 4975 North 53rd Street, Milwaukee, WI 53218 alleges through his attorney Alan Eisenberg, 3111 West Wisconsin Avenue, Milwaukee, WI 53208-3957 that on April 2, 2003 he sustained damages when the Milwaukee Police Department shot and killed his German Shepherd. He claims damages in the amount \$1,000,000.00.

Our investigation reveals the Milwaukee Police Department was summoned to 4979 North 53rd Street concerning a dog at large. While investigating the complaint, the claimant's German Shepherd charged one of the officers, baring his teeth and growling in a vicious manner. The officer feared for his safety and discharged two rounds from his service weapon, killing the dog. The claimant received a citation for harboring a vicious animal and was arrested for an outstanding warrant.

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The officers followed normal and standard procedures in this matter. The police action in this matter was necessary and appropriate. Since the police were not negligent, but rather acting within the sphere of their responsibility, the city would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2003-2115:76902