

June 3, 2004

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

Re: Landry v. Spengler, et al., Case No. 02-C-1063

Dear Council Members:

Enclosed please find a proposed resolution that we ask be introduced at the meeting of the Common Council scheduled for June 15, 2004, and referred to the appropriate Council Committee for consideration.

Plaintiff Wesley Landry, III alleges that police officers unlawfully searched his home, unlawfully arrested him on two different occasions, used excessive force when arresting him on the second occasion, and conspired to violate his constitutional rights. Significant discovery was conducted in this case. It appears that there may be significant questions of fact, relative to the propriety of the search of Mr. Landry's home, and the officers' use of force in effecting his second arrest. Should a jury find in favor of the plaintiff, the attorney's fees award could easily exceed \$50,000. In addition, the City would face any ultimate liability determination by a jury, and the related damages award. Because of the risks associated with proceeding to trial, and the fact that the City is exposed not only to a liability determination and judgment, but also an award of attorney's fees, settlement was discussed. Settlement discussions focused on attorney's fees and costs. To date, Mr. Landry's counsel has invested approximately \$15,000 in costs and fees in prosecuting this case.

Common Council
June 3, 2004
Page 2

Because settlement of this matter is deemed expeditious to the City of Milwaukee, and we cannot predict the outcome of proceeding to trial, we recommend payment of the noted settlement amount of \$20,000, and have enclosed the 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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