

April 26, 2002

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall

**Re: Payment of Settlement in the Lawsuit Entitled
John Tries v. City of Milwaukee, et al.
Case No. 99-C-1447; City Attorney No. 99-C-335**

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

The plaintiff, John Tries, through his attorneys, Cannon & Dunphy, filed a lawsuit alleging a false arrest, an illegal search of his home, an invasion of his privacy and a trespass against the City of Milwaukee and various members of the Police Department. The suit arose out of an incident that occurred on November 10, 1997. Tries was arrested in the course of the investigation of a battery and damage to property at a tavern near the Tries residence. The investigation ultimately revealed that the individual wanted for these acts was Tries' son, who was lying under a blanket on the living room couch in the Tries residence. John Tries later received a citation for disorderly conduct as a result of his interaction with police.

In October, 2001, the then-presiding judge, John Reynolds, granted summary judgment to the City and defendants relating to any claim of an illegal entry into the Tries home. The court refused to consider dismissal of the state law claims, however it denied the defendants' request for dismissal of the remaining false arrest claim under federal law.

The officers claim that Tries was disorderly in their presence and that he was untruthful in response to their questions regarding the presence of any other individuals in his home. Tries maintains that he was not in any fashion disorderly, that he was not untruthful in responding to the officers, and that he simply wanted to know why the officers were asking him about another

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person in the house. He claims that he was extremely embarrassed by the ensuing brief detention and the subsequent publicity. In the subsequent municipal court proceeding, he was found not guilty of the City citation of disorderly conduct.

In pursuing this federal civil rights action, Mr. Tries never had to state formally the amount of relief that he sought. He has agreed to accept \$33,000 to settle all of his claims. If he were to prevail in a civil rights action, and if he was even awarded a small amount of money by the jury as damages, he would likely be entitled to recover a substantial sum as fees for his attorneys.

Because settlement of this matter is deemed in the best interests of the City of Milwaukee, we recommend payment of the aforementioned amount and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

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