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November 5, 2010

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

Re: Resolution Relating to the Claim of Vicky and Kenneth Bontempo
By Their Attorney, Mark Thomsen
C.I. File No. 10-L-65

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.

Claimants, Vicky and Kenneth Bontempo, by their attorney, Mark Thompson, Cannon & Dunphy, S.C., P.O. Box 1750, Brookfield, WI 53008-1750, allege that on April 16, 2010 and while jogging, Ms. Bontempo was attacked by an off duty Milwaukee Police Department (MPD) police dog at 1904 West Grange Avenue. They claim damages in the amount of \$100,000.00.

Our investigation reveals that on the date in question, MPD Canine Officer Christina Marshall and her husband, MPD Sgt. Christopher Marshall, were in the front yard of their home conducting daily obedience training with MPD dog, "Kenny". Ms. Bontempo was jogging towards the Marshall's home. She stopped suddenly and began to scream.

This alerted Kenny, he perceived this as a threat and he barked, which caused Ms. Bontempo to panic, scream louder, turn and run. Kenny then made contact with Ms. Bontempo by securing her right arm and she fell. Kenny then made contact with Ms. Bontempo's back causing an abrasion and a tear in her jacket. Kenny was immediately called off of Ms. Bontempo by Officer Marshall. Throughout this incident Officer Marshall directed Ms. Bontempo not to scream, to remain calm and not to run, but Ms. Bontempo did not follow any of these directives.

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Kenny was then placed in the Marshall residence and Sgt. Marshall assisted Ms. Bontempo and assessed her injuries. Ms. Bontempo refused medical attention and stated she was just shaken up. She noted she had been attacked by a German Shepard and she was aware that her behavior contributed to the incident.

Since the canine officers were not negligent and were appropriately engaged in daily continuing canine maintenance training, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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