

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

August 30, 2011

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

Re: *Whon Phrakousonh v. City of Milwaukee, et al.*
Case No. 10-C-601

Dear Council Members:

Enclosed is a proposed resolution and fiscal note authorizing payment of a settlement amount regarding the above-referenced matter. We request that the enclosed documents also be referred to the appropriate committee or committees for review.

Whon Phrakousonh and his mother, Delores Estrada, brought suit regarding events which stemmed from a traffic stop, which occurred on or about July 17, 2009. In short, Whon was a passenger in a car that was stopped by MPD officers. Plaintiffs both maintain that officers unlawfully stopped Whon, and used excessive force while handcuffing Whon. The officers maintain that the traffic stop was lawful, and that they only used that force which was necessary to get Whon handcuffed. In any event, the varying statements of the witnesses created a significant question of fact regarding the use of force issue, and that issue would therefore likely have to proceed to jury trial.

However, the court ordered that we mediate the case. Whon suffered some scrapes and bruises, but his primary complaint was that during the handcuffing process, his back was “stomped on,” and that as a result, he experienced back pain and headaches for a long period of time. Whon was treated by his family physician, along with a neurologist, regarding this condition. His medical bills totaled approximately \$20,000.00.

To the Honorable
Common Council of the
City of Milwaukee
August 30, 2011
Page 2

Because of the unpredictability of trial, and the City's risk for exposure to not only compensatory damages, but also to punitive damages and attorney's fees, a modest settlement amount was negotiated during mediation. That amount was \$25,000.00. We recommend that this matter be settled for that amount. Consistent with our recommendation, we have enclosed an appropriate resolution for your consideration.

Very truly yours,

GRANT F. LANGLEY
City Attorney

SUSAN E. LAPPEN
Assistant City Attorney

SEL:tas

Enclosures

1032-2010-1754.001:172560