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February 21, 2012

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

Re: *Ramos v. Walker, et al.*
Case No. 10-C-0847

Dear Council Members:

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

This case stems from the arrest of Mr. Ramos, which occurred on February 13, 2005. Mr. Ramos asserted that his arresting officers used excessive force during the arrest process, and that a sergeant on scene failed to intervene in their unlawful use of force. The defendants maintain that the force used by one of the arresting officers, Officer Walker, was reasonable, and that Sergeant Holmes actions were also lawful. However, the other officer, former Officer Koestering, was fired by the police chief for using unreasonable force in arresting Mr. Ramos.

Discovery has been completed, and the case was recently mediated before the Honorable Patricia Gorence, of the United States District Court for the Eastern District of Wisconsin. Because of the unpredictability of trial, and the City's risk of exposure to not only compensatory damages, but also to punitive damages and attorney's fees, a settlement amount was negotiated during mediation. That amount was \$30,000.00. We

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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

1032-2010-3248:178246