

June 18, 2002

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

Dear Council Members:

Re: Payment of Judgment in the Lawsuit Entitled
Gustafson and Cornejo v. Jones, et al.
Case No. 94-C-1392

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

City of Milwaukee Police Officers Rod Gustafson and Javier Cornejo were transferred from the Tactical Enforcement Unit to patrol duties on November 12, 1993. They filed suit against Police Chief Philip Arreola and then Deputy Inspector Arthur Jones alleging that the transfers were in retaliation for certain statements that they made to other Tactical Enforcement Officers and to their union president critical of then Deputy Inspector Jones. Their statements concerned an order given by then Deputy Inspector Jones ordering them to stop a follow-up investigation of a felony suspect and take calls for service from the dispatcher. The officers believed Jones's order prevented them from making an arrest of a dangerous suspect. The officers' criticism was communicated to Common Council members and the press, and resulted in the criticizing of Jones's order in the media. The officers claim that their transfers were in violation of their right to speak freely under the First Amendment. Chief Arreola and then Deputy Inspector Jones maintained the transfers were because of the officers' conduct, not the officers' speech.

The case was tried before a jury in July 2000. The jury entered a verdict in favor of the officers in the amount of \$190,000 for each officer. The court entered a judgment on the

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verdict in September 2000, and in November 2000 awarded \$201,125.50 in attorney's fees and costs.

The case was appealed to the United States Court of Appeals for the Seventh Circuit. On May 18, 2002, the appeals court affirmed the judgment of the lower court. We have reviewed the appeals court opinion and have concluded that further appeal is not warranted. This judgment must now be paid.

The damages verdict, attorney's fees, costs, attorney's fees and costs on appeal, and interest on the judgment total \$696,286.20. We have enclosed an appropriate resolution.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

RMK:lmb
enclosures
c: Ronald D. Leonhardt, City Clerk
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