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January 17, 2017

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

Re: Resolution authorizing settlement of claims in the lawsuit entitled
Naythan A. Schwab v. Milwaukee Police Department, et al., Case No. 15-CV-264
(E.D. Wis.)

Dear Council Members:

Enclosed please find a proposed resolution to authorize the settlement of claims in the above captioned lawsuit. Please introduce this resolution and refer it to the Committee on Judiciary and Legislation for discussion in closed session, followed by open session for the committee to take appropriate action, with the following recommendation.

On March 10, 2015, Naythan A. Schwab filed a complaint in the Eastern District of Wisconsin claiming to have been subjected to excessive force during his May 31, 2009 arrest. Specifically, he claims that officers punched and kicked him while he was restrained and on the ground. Moreover, he claims that the officers purposefully tightened his handcuffs and closed the door of the van on his leg. Finally, Mr. Schwab claims that the officers denied his request for medical attention. Mr. Schwab filed a citizen complaint report with the Milwaukee Police Department, alleging that he had been subject to excessive force on May 31, 2009. The Professional Performance Division/Special Investigation Section of the Milwaukee Police Department conducted an investigation into Schwab's complaint and came to the conclusion that it was unfounded on November 5, 2009. Mr. Schwab ultimately pled guilty to disorderly conduct in 2011 for the incident forming the basis for the above-referenced civil lawsuit.

On September 15, 2016, the district court granted in part and denied in part the City's motion for summary judgment, dismissing the police department and two police officers. However, a trial on the excessive force claims against the two remaining police officers is scheduled to begin on February 8, 2017. At the urging of Judge Griesbach, the parties entered into settlement negotiations and the City Attorney now recommends settlement of




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this matter for the total sum of \$7,500.00 inclusive of all claims for damages against all parties, and inclusive of attorney fees and costs. In exchange for this settlement, Mr. Schwab will provide a complete release of all claims.

Very truly yours,



GRANT F. LANGLEY
City Attorney



NAOMI E. GEHLING
Assistant City Attorney

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Enclosures

1032-2015-1051/236006