



Legislation Details (With Text)

File #: 200850 **Version:** 0

Type: Resolution **Status:** Passed

File created: 10/13/2020 **In control:** COMMON COUNCIL

On agenda: **Final action:** 11/4/2020

Effective date:

Title: Resolution authorizing settlement of claims in the lawsuit entitled Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al., Case No. 17-CV-862-LA.

Sponsors: THE CHAIR

Indexes: POLICE DEPARTMENT, SUITS SETTLEMENT

Attachments: 1. Estate of Sylville Smith - Letter to Common Council for Settlement.pdf, 2. Estate of Sylville Smith - Fiscal Impact Statement for Settlement.pdf, 3. Comptroller Approved

Date	Ver.	Action By	Action	Result	Tally
10/26/2020	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
11/4/2020	0	COMMON COUNCIL	ADOPTED	Pass	14:1
11/6/2020	0	MAYOR	SIGNED		
11/13/2020	0	COMMON COUNCIL	ASSIGNED TO		

200850
ORIGINAL

THE CHAIR

Resolution authorizing settlement of claims in the lawsuit entitled *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case No. 17-CV-862-LA.

This resolution authorizes a settlement payment in the lawsuit *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case No. 17-CV-862-LA in the amount of \$4,000,000.00.

Whereas, the plaintiffs, the Estate of Sylville K. Smith, Mildred Haynes, and Patrick Smith, filed a federal civil rights lawsuit against the City of Milwaukee and one of its police officers, seeking an unspecified amount in damages for excessive use of force resulting in the shooting death of Sylville Smith during the stop incident that occurred on August 16, 2016; and

Whereas, the plaintiffs have agreed to settle their claims against the City of Milwaukee and its former officer through a settlement agreement providing for payment of the total amount of \$4,000,000.00; and

Whereas, the City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay a settlement of the claims against it and its officers in this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials be and are hereby authorized and directed to issue a City check in the amount of \$4,000,000.00 payable to the

order of Loevy & Loevy Client Trust Account, The Estate of Sylville Smith, Mildred Haynes, and Patrick Smith, in full and final settlement of all monetary damages sought in this lawsuit, including reasonable attorney's fees and costs, on receipt of a Release of Claims, approved as to form and execution by the City Attorney, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118; and, be it

Further Resolved, That the funding of the settlement amount will be authorized by a resolution contemporaneously approved by the Common Council, and that the proper City officers are authorized to make the necessary transfers to the appropriate accounts or funds to disburse the settlement amount.

City Attorney
NEG
October 9, 2020
1032-2017-1371/271553