



Legislation Details (With Text)

File #: 221412 **Version:** 0

Type: Resolution **Status:** Passed

File created: 1/17/2023 **In control:** COMMON COUNCIL

On agenda: **Final action:** 2/7/2023

Effective date:

Title: Resolution approving the settlement of the lawsuit entitled Demetrious Lowe, v. Donald Gaglione, Jr., et al., E.D. Wisc. Case No. 21-CV-560 , in the amount of \$175 ,000.

Sponsors: THE CHAIR

Indexes: SUITS PAYMENT, SUITS SETTLEMENT

Attachments: 1. Fiscal Impact Statement re: Lowe, 2. Letter to Common Council re: Lowe

Date	Ver.	Action By	Action	Result	Tally
1/17/2023	0	COMMON COUNCIL	ASSIGNED TO		
1/30/2023	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:1
2/7/2023	0	COMMON COUNCIL	ADOPTED	Pass	12:0
2/15/2023	0	MAYOR	SIGNED		

220412
ORIGINAL

THE CHAIR

Resolution approving the settlement of the lawsuit entitled *Demetrious Lowe, v. Donald Gaglione, Jr., et al.*, E.D. Wisc. Case No. 21-CV-560 , in the amount of \$175 ,000.

This resolution authorizes settlement of claims raised by the Plaintiff Demetrious Lowe in the lawsuit entitled *Demetrious Lowe v. Donald Gaglione, Jr., et al.*, Eastern District of Wisconsin , Case No. 21-CV-560 , for the total amount of \$175,000.

Whereas, Plaintiff Demetrious Lowe filed a lawsuit in the Eastern District of Wisconsin, Case No. 21-CV-560 , against Defendants Donald Gaglione , Jr., Brandon Rutherford, Peter Hauser, Daniel Sutyak, Daniel Pierce, Bradley Nickel, Michael Mattioli, Robert Guetchidjian, and Andrew

L. Langer, seeking damages for alleged violation of Title 42 U.S.C. §1983 and 2 other claims; and

Whereas, Plaintiffs have agreed to settle the claims raised in the above-referenced lawsuit for the total amount of \$175 ,000, inclusive of all costs and fees, including attorney's fees; and

Whereas, The City Attorney recommends and deems it expeditious and just to settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney is authorized to settle the case entitled *Demetrious Lowe v. Donald Gaglione, Jr., et. al.*, Eastern District of Wisconsin, Case No. 21-CV-560 , for the total amount of \$175,000; and, be it

Further Resolved, That the proper City officers are authorized and directed to issue a City check in the amount of \$175 ,000 payable to the order of Andriusis Law Firm's Client Trust Account , 985 W. Oklahoma Ave, Milwaukee, WI 53215 , as soon as practicable ; and, be it

Further Resolved, That an amount not to exceed \$175,000 is appropriated from the City Attorney 's Damages and Claims Fund, Account No. 0001-1490-S118-006300 ; and, be it

Further Resolved, That for and in consideration of this payment, the plaintiff, by their representatives and their attorneys , will provide to the City a release of any claims arising out of or in any way related to this incident.

City Attorney
Nancy A. Dominski -
City Attorney 's Office
December 29, 2022
1032-2021-666/283017