



Legislation Text

File #: 201702, **Version:** 0

201702

ALD. DODD

Resolution approving contract for legal services between the City of Milwaukee and Nathan & Kamionski LLP to advise and provide counsel to the City of Milwaukee in relation to the notice of claim of Ladarius Marshall.

This resolution approves and authorizes City entry into a contract for legal services with the law firm of Nathan & Kamionski LLP, to advise and provide counsel to the City of Milwaukee in relation to the notice of claim of Ladarius Marshall.

Whereas, Milwaukee Code of Ordinances 304-23 allows the Common Council to authorize retention of a law firm outside of the City Attorney's permanent staff, pursuant to a written agreement; and

Whereas, Ladarius Marshall pled guilty to a homicide charge on March 8, 2010, and was sentenced on May 24, 2010 to 30 years' imprisonment, with 20 years of initial confinement and 10 years of extended supervision; and

Whereas, On April 22, 2020, Ladarius Marshall successfully petitioned Judge William C. Greisbach of the United States District Court for habeas relief on the theory that the Wisconsin State criminal court's denial of Ladarius Marshall's motion to suppress was unconstitutional; and

Whereas, All charges against Ladarius Marshall were dismissed by the State of Wisconsin on July 16, 2020 after the State moved to vacate the conviction; and

Whereas, On October 7, 2020, the law firm of Loevy & Loevy submitted a notice of claim letter to the Milwaukee City Clerk asserting claims under Wisconsin state law against the City and the two investigating Milwaukee Police Department detectives in the amount of \$12,000,000 for negligent investigation, negligent supervision and training, malicious prosecution, abuse of process, negligent and intentional misrepresentation, negligent and intentional infliction of emotional distress, respondeat superior, indemnification, and unspecified federal claims; and

Whereas, The City of Milwaukee desires to retain Nathan & Kamionski LLP to investigate the claim, and provide advice, counsel, and representation against the claim; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby authorizes the City Attorney, and appropriate City officers, to execute the Contract for Legal Services between the City of Milwaukee and Nathan & Kamionski LLP that has been submitted to this file, or one in substantial

conformity therewith, and to take such steps as are contemplated and required by such Contract for Legal Services.

City Attorney

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March 26, 2021