



## Legislation Text

---

**File #:** 212038, **Version:** 1

---

212038  
SUBSTITUTE 1

### THE CHAIR

Substitute 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 lawsuit entitled “Hadaway v. City of Milwaukee, et. al,” Case No. 2:19-CV-01106, in the United States District Court for the Eastern District of Wisconsin.

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 lawsuit entitled “Hadaway v. City of Milwaukee, et. al,” Case No. 2:19-CV-01106, (Eastern District of Wisconsin)

Whereas, Section 304-23 of the Milwaukee Code of Ordinances 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, In 1996, Samuel Hadaway was arrested and interrogated regarding the homicide of a 16-year-old girl. During the interrogation, Mr. Hadaway implicated himself and another man, Chanute Ott, in the murder. Mr. Hadaway was offered a plea deal of five years in prison for attempted robbery if he testified that Mr. Ott was responsible for the murder. Based on Mr. Hadaway’s testimony, Mr. Ott was convicted of the murder and sentenced to life in prison. Mr. Hadaway pled guilty to armed robbery and was sentenced to five years in prison as promised; and

Whereas, In 2007, Mr. Hadaway’s co-defendant, Mr. Ott, petitioned the court to have his conviction vacated based on evidence that the murdered 16-year-old was likely the victim of a serial killer. Mr. Ott’s conviction was overturned and the State of Wisconsin declared that he was wrongly convicted of the homicide. Thereafter, Mr. Ott filed a civil rights lawsuit against the City of Milwaukee and the same defendant officers being sued by Mr. Hadaway. That case was settled for \$6.5 million; and

Whereas, In 2018, Mr. Hadaway petitioned the court to vacate his conviction and allow him to withdraw his guilty plea, alleging that his incriminating statements were made as a result of threats and coercion by Milwaukee Police officers. On August 14, 2018, the Court of Appeals granted his request, and all charges against Mr. Hadaway were ultimately dismissed in October of 2019. Mr. Hadaway served 3.5 years of his five-year sentence; and

Whereas, On July 31, 2019, the law firm of Loevy & Loevy filed a federal civil rights lawsuit against the City of Milwaukee and several Milwaukee Police detectives involved in the investigation and interrogation that resulted in Mr. Hadaway’s conviction and prison sentence. The lawsuit alleges coerced and false confession, denial of due process, federal malicious prosecution, unlawful pre-trial

detention, conspiracy to deprive constitutional rights, failure to intervene, and Monell claims against the City for failure to adequately train, supervise, and discipline officers engaged in constitutional violations. They are seeking \$7.5 million, inclusive of attorney's fees in damages; and

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

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney is authorized to retain outside counsel from the law firm of Nathan & Kamionski LLP, to advise and provide legal services and representation of the City in relation to the lawsuit entitled "Hadaway v. City of Milwaukee, et. al," Case No. 2:19-CV-01106, (Eastern District of Wisconsin); and, be it

Further Resolved, That the Office of the City Attorney is authorized to execute a Contract for Legal Services with Nathan & Kamionski LLP, substantially in the form of the contract attached to this file; and, be it

Further Resolved, That an amount not to exceed \$30,000 is appropriated from the City Attorney's Office Counsel Expert Witness Special Purpose Account Number 0001-1490-S157-06300 for retaining outside counsel; and, be it

Further Resolved, That the Office of the City Attorney is directed to expend up to \$30,000 from this account for this purpose.

City Attorney

/Yolanda Y. McGowan

April 7, 2022

LRB177383-2

Tea B. Norfolk

May 3, 2022