

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: *Robert S. Schmidt v. David A. Clarke, Jr., et al.*  
United States District Court, Eastern District Case No. 10-C-0381

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$15,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a claim of deliberate indifference to a serious medical need. Plaintiff Robert S. Schmidt was incarcerated in the Milwaukee County Jail from October 23, 2009 to October 25, 2009, and the Milwaukee County House of Correction from October 25, 2009 through December 21, 2009. At the onset of each incarceration, Mr. Schmidt requested daily anticoagulation medication for his two medical conditions: Protein S Blood Deficiency and Deep Vein Thrombosis. He did not receive this medication until October 28, 2009 as medical staff were attempting to verify the aforementioned medical conditions prior to prescribing any medications. Mr. Schmidt's medical conditions also require frequent blood level monitoring (hereinafter "INR tests") to ensure blood clots do not develop. Prior to his incarceration, Mr. Schmidt had not received an INR test for at least one month (approximately September 20, 2009).

On December 16, 2009, Mr. Schmidt was hospitalized for a massive blood clot. Preceding this date, there are at least three dates on which Mr. Schmidt's medical records indicate he was in pain and advised medical staff that he believed he was suffering from a blood clot.

The parties mediated this matter before Federal Magistrate Judge Aaron Goodstein on October 30, 2013. The mediation resulted in this settlement. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$15,000.00 to Mr. Schmidt and his attorneys, Foley & Lardner LLP. In return, Mr. Schmidt will dismiss this lawsuit and provide the County with a full and

complete release from any liability. The payment will be applied to the County's deductible with the County Mutual.

Corporation Counsel and the Wisconsin County Mutual recommend this settlement for approval.

cc: Amber Moreen  
Kelly Bablitch  
Alexis Gassenhuber  
Raisa Koltun  
Jessica Janz-McKnight