

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: April 21, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Mark A. Grady, Deputy Corporation Counsel *MAG*

SUBJECT: *Freeman v. Milwaukee County et al.*
E.D. Wis. Case No. 13-CV-1030

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority for Wisconsin County Mutual to make a payment on behalf of Milwaukee County to settle this case in the amount of \$20,000.

This case involves a claim for an assault by former Juvenile Correction Officer George Mack on Kevin Freeman while he was a 15 year old in juvenile detention. It is alleged that Freeman complained about his lunch and that shortly thereafter Mack lunged across the table to grab a spoon out of Freeman's hand. Mack then allegedly walked around the table and grabbed Freeman by the neck and slammed him to the wall or to the ground, injuring his elbow, wrist and hand. A surveillance camera videotape appears to support the allegations, although there is no audio on the recording.

Mack was criminally charged with a felony. He entered a deferred prosecution agreement. A year later, the charges were dismissed on the prosecutor's motion. Charges for his discharge were filed, but he retired prior to the PRB hearing.

Freeman's alleges minor physical injuries, but also alleges continuing psychological injuries. Freeman also has a pending suit against the City of Milwaukee for an alleged sexual assault by a police officer during a search.

Because the claims are based on violations of civil rights, Freeman is entitled to recover attorneys' fees if he makes any recovery, no matter how minimal. Thus, the largest potential exposure in this case is probably for an award of attorneys' fees. Freeman is represented by Attorney Robin Shellow in Milwaukee and the Peoples' Law Office in Chicago. The attorneys have submitted documentation supporting attorneys' fees incurred in this case to date of approximately \$19,000.

Wisconsin County Mutual has retained three different law firms to address the defense of this matter. One firm represents Mack, one firm represents Milwaukee County separately in order to address any issues regarding scope of employment and a third firm represents the Mutual to address any possible insurance policy coverage defenses.

In order to avoid the continuing expense for multiple defense counsel and to avoid the continuing increase in potential attorneys' fees for Freeman's attorneys, outside counsel negotiated with Freeman's counsel and recently reached an agreement to settle the case for the total sum of \$20,000.00.

We believe this is a reasonable settlement of this case. The payment will be made by the Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

cc: Amber Moreen
Kelly Bablitch
Raisa Koltun
Alexis Gassenhuber
Erica Hayden