

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: October 4, 2016

TO: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors

FROM: Jennifer K. Rhodes, Assistant Corporation Counsel

SUBJECT: *Lamonte A. Ealy v. Vicente Santana*
United States Eastern District of Wisconsin Case No. 14CV791

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 \$1,000.00, inclusive of all costs, disbursements, and attorney fees, which will be paid by Wisconsin County Mutual Insurance Corporation.

On July 8, 2014, Lamonte Ealy ("Mr. Ealy"), plaintiff, filed a civil rights action pursuant to 42 U.S.C. § 1983. Mr. Ealy was a former inmate of the Milwaukee County Jail; he was a pretrial detainee. Initially, the defendants in the above-captioned matter were the following current and former employees of Milwaukee County: Sheriff David A. Clarke, Jr., Deputy Inspector Kevin Nyklewicz, Lieutenants Erin Grove and Steven Artus, Correction Officers Vincente Santana and Mariolys Flores; Ms. Flores is no longer employed with Milwaukee County. In his lawsuit, Mr. Ealy alleged that the defendants failed to protect him in violation of his Fourteenth Amendment right. Mr. Ealy requested a jury trial and to be compensated for his injuries and for damages in the amount of \$1.5 million dollars.

On January 29, 2014, at 5:30 p.m., CO Santana observed Mr. Ealy with two other inmates who were striking Mr. Ealy with their fists. CO Santana notified master control that inmates were fighting and ordered the inmates to stop fighting and to lock in. The two inmates who struck Mr. Ealy walked away from Mr. Ealy's cell. Lt. Artus and other officers responded to CO Santana's call. The inmates, including Mr. Ealy, were medically assessed and were cleared with no reported injuries. Mr. Ealy alleged that he suffered a half inch cut on his left elbow, headaches, humiliation, and a loss of property.

On behalf of the defendants, we filed a motion for summary judgment on May 22, 2015. In its decision dated September 29, 2015, the court dismissed Nyklewicz, Artus, Grove, and Flores from the lawsuit and declined to dismiss Santana. With CO Santana the only remaining defendant, the court appointed Mr. Ealy a pro bono attorney to represent him for the jury trial. This matter was scheduled for a federal jury trial on September 26, 2016.

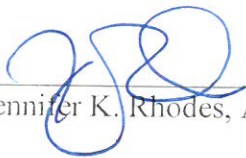
The main issue at trial would be whether CO Santana was liable for injuries suffered by Mr. Ealy on January 29, 2014.

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The parties were able to negotiate a settlement in the amount of \$1,000.00. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$1,000.00 to Lamonte Ealy. In return, Mr. Ealy 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.

The year 2014 is the claim year as noted. The amount of the County's premium payments for that year were \$420,811.14, and the total incurred (paid plus reserves) for that same year is \$754,961.71.

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



Jennifer K. Rhodes, Assistant Corporation Counsel

cc: Kelly Bablitch
Shanin Brown
Erica Hayden
Raisa Koltun