

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: April 2, 2015

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Tanya Weyker v. Quiles et al.
Case No. 14-CV-782 (E.D. Wis.)

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement to be paid by the Wisconsin County Mutual Insurance Company. Approval is requested to pay \$30,000 to Tanya Weyker and to pay attorneys' fees to her attorneys in an amount to be determined by the federal court.

This accident was the subject of a prior file, File No. 14-642. In that file, on September 25, 2014, the County Board approved a settlement in the amount of \$250,000 for Ms. Weyker's bodily injuries arising out of a motor vehicle accident with a deputy sheriff operating a squad car. Ms. Weyker incurred medical expenses of at least \$188,000.00. The settlement amount is the maximum amount allowed under state law against municipalities for negligence in the operation of motor vehicles by their employees (§345.05(3)).

As was noted in the prior file, Ms. Weyker had also filed a federal court case alleging various federal civil rights claims related to her alleged treatment by the Sheriff and his employees. Among other things, she alleges a false arrest for OWI and abuse of process and she alleges policies and practices on the part of the Sheriff's office to conspire to violate citizens' rights and to cover up misdeeds. These allegations arise out of actions subsequent to the motor vehicle accident and are legally separate from her state law negligence claims that have been resolved.

The federal court suit has been handled by outside counsel assigned by Wisconsin County Mutual (Whyte, Hirschboeck Dudek). After some pre-trial litigation, and a change in Ms. Weyker's attorneys, a decision was made to attempt an early resolution of the case in order to avoid a continuing potential exposure to an increasing claim of attorneys' fees and to pay Ms. Weyker an amount less than the costs of a full defense through trial. Trial was scheduled for July 20, 2015. Ultimately, Ms. Weyker and her counsel agreed to accept \$30,000 as a payment to

her and to accept an amount for her attorneys' fees to be determined by the court. Ms. Weyker and the County agree to accept the decision of the court on the amount of attorneys' fees, without further litigation or appeal. Ms. Weyker's counsel have submitted a request to the court for approximately \$75,000 in fees and costs for both her past and current counsel, but we will be disputing the appropriateness of that amount and we reasonably hope that the court will award a lower amount.

All settlement amounts will be paid by the Wisconsin County Mutual Insurance Corporation.

cc: Raisa Koltun
Kelly Bablitch
Alexis Gassenhuber
Erica Hayden