

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: October 31, 2017

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

FROM: Colleen Foley, Deputy Corporation Counsel

SUBJECT: *Robert X. Morales v. Lt. Hannah, et al*
E.D. Wis. Case No. 16-CV-1074



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 the claims of plaintiff Robert X. Morales for the total sum of \$2,500.00, which will be paid by the Wisconsin County Mutual Insurance Corporation (WCMIC).

This is a federal civil rights case under 42 U.S.C. § 1983, brought by Mr. Morales, pro se, alleging violations of his Eighth Amendment rights while a pre-trial detainee at the Milwaukee County Jail awaiting a court appearance. Mr. Morales alleges that on October 7, 2015, while en route from the jail booking area to the jail suicide watch area and restrained in handcuffs, correctional officers repeatedly struck and threatened him. Mr. Morales also alleges that Lieutenant Hannah prevented a nurse from treating him for the injuries that he allegedly sustained from this incident. He further alleges that Lieutenants Hannah, Briggs, and CO McDonald deliberately hurt him.

In its screening order, the court allowed Mr. Morales to proceed with his Eight Amendment claim against Lieutenant Hannah for deliberate indifference to his serious medical needs. The court also allowed Mr. Morales to proceed with Eight Amendment claims of cruel and unusual punishment against Lieutenants Hannah, Briggs and CO McDonald. Of note, CO McDonald did not work in the jail during the alleged incident. Therefore, the Office of Corporation Counsel filed a motion for summary judgment on his behalf in that he was incorrectly named in the lawsuit. The court has not ruled on that motion.

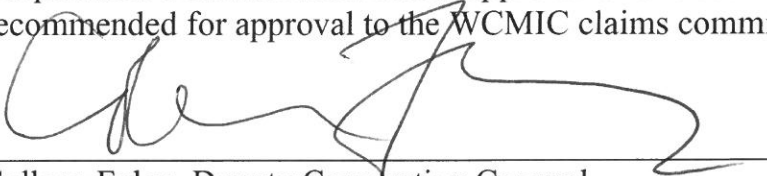
Both Lieutenants Hannah and Briggs claim that during his escort (while they were on either side of him), Mr. Morales lunged forward and landed on the ground. Mr. Morales is slight in frame and disputes that he could lunge forward and away from

the grip of the two officers on either side of him. He also complained of severe rib pain immediately following the incident to jail medical staff. Finally, he claims that he tried to file a grievance about the incident but Lieutenant Hannah denied that request. An additional concern is that the video of the event is not available, thus potentially raising negative inferences against the defendants about its disposition.

The parties exchanged significant discovery, and ultimately, reached the recommended settlement to pay Mr. Morales \$2,500.00. In return, he must dismiss his suit and provide the County with a full and complete release from liability.

The payment will be applied to the County's deductible with WCMIC. The claim year is 2015 and premium payments for 2015 are \$717,950. The total costs incurred (paid plus reserves) are \$852,475.25 towards the \$1,500,000 aggregate deductible for that claim year.

Corporation Counsel recommends approval of this settlement, which is also being recommended for approval to the WCMIC claims committee.



Colleen Foley, Deputy Corporation Counsel

cc: Kelly Bablitch
Allyson Smith
Erica Hayden
Raisa Koltun