

LEVINE LAW, LLC

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February 23, 2024

NOTICE OF CLAIM

Via Certified Mail

Rebecca Grill, City Clerk
West Allis City Hall
7525 W. Greenfield Ave.
West Allis, WI 53214

RECEIVED
MAR - 5 2024
CITY OF WEST ALLIS
CITY CLERK

Re: My Client: Deon Duke
Date of Incident: June 2, 2023 at approximately 5:00 p.m.

Dear Ms. Grill:

Levine Law, LLC, attorneys for Mr. Deon Duke, DOB: 09/27/1969, (hereinafter “Duke”) who resides at 4148 N. 22nd Street Milwaukee, Wisconsin 53209, hereby makes a claim for injuries and damages sustained by him in an incident regarding excessive force, false arrest, unlawful detention, and a violation of his civil rights, which occurred on June 2, 2023 at approximately 5:00 p.m. near South 75th Street and West Lincoln Avenue involving the City of West Allis Police Department, and more specifically its agents, servants and employees including but not limited to Officer R. Schultz.

On the date of this incident, Duke received a call from family that his older brother Marshall Duke was threatening to commit suicide, and it is my understanding that Duke’s sister, who lived in Nevada at the time, had called the West Allis Police Department to check on Marshall. Duke left his home with his daughter and went to Marshall’s apartment located at South 75th St. and W. Lincoln Ave. in West Allis. Duke and his daughter arrived at the apartment before West Allis Police and banged on the door to get Marshall to open it. When Duke entered the apartment, it was full of smoke due to food being burned in the oven.

Thereafter, one West Allis Police Officer showed up at the apartment and Duke let him inside and led him to the second floor apartment where his brother was laying on the couch. Marshall then yelled at Duke to get the police out of his apartment, and Duke advised his brother that the police were there to help him.

At that point, Marshall jumped up and barricaded himself inside his bedroom. Approximately four additional officers then arrived on scene and were attempting to get inside Marshall’s bedroom. During that time, Duke was pleading with his brother to open the bedroom door. Eventually, the door

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was opened and the officers entered the bedroom. Duke was standing in the hallway near the bedroom door threshold trying to look inside because he was concerned about his brother's physical and mental well-being.

One of the officers was standing in the hallway with Duke and told him not to go inside the bedroom, at which time Duke said he was not going inside, but was concerned for his brother. All of a sudden and without provocation, the officer grabbed Duke by the arm and slammed him to the ground. The officer then proceeded to climb on top of Duke and put a knee in his back while yelling at him to stop resisting, to which Duke indicated he was not resisting.

Thereafter, Duke was handcuffed and led outside where he was placed under arrest for some unknown reason. Duke advised the officer that he had recently injured his left shoulder in a bike incident and that his shoulder was in extreme pain following this incident. Duke was then transferred to the police station and waited many hours before he was ultimately taken via ambulance to Aurora West Allis emergency room.

Duke was then issued Citation No. 1S804MH6JX for "resisting an officer," which is still open and pending.

The body camera video confirms the description of the facts above and provides ample evidence for the civil rights violations set forth herein.

As a result of this incident, Duke sustained a severe left shoulder injury, a left ac joint separation, his left arm was placed in a sling, pain in his neck and upper back, pain radiating from his head into his neck and other serious injuries. He received medical care and treatment at Aurora West Allis Medical Center and Aurora Medical Group – Midtown, where he received physical therapy through August 29, 2023.

As a result of this incident, Duke, in addition to suffering the previously alleged injuries and damages, incurred medical bills at Advocate Aurora Healthcare totaling \$7,123.00 copies of which are hereto attached along with the corresponding medical records.

Deon Duke is making a claim against the City of West Allis and its officers for use of excessive force, false arrest, unlawful detention and a violation of his civil rights in an amount of One Hundred Thousand Dollars (\$100,000.00) together with medical bills totaling \$7,123.00, in all the sum of \$107,123.00.

The citation referenced above should also be dismissed outright.

If you have any questions or wish to discuss this matter, please reach out to me.

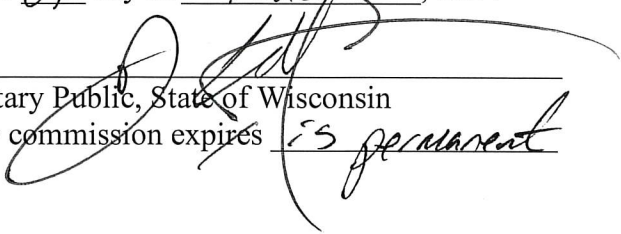
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Dated this 13th day of February, 2024.


Deon Duke

Subscribed and sworn to before me
This 13th day of February, 2024


Notary Public, State of Wisconsin
My commission expires is permanent

LEVINE LAW, LLC
Attorneys for Deon Duke


Jonathan J. Cattey

Enclosures

cc: Rebecca Monti (via e-mail, only)