



City Attorney's Office

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Common Council
City of West Allis

RE: City Attorney's Report of Claim – **John Sorger**

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. This office's recommendation is to deny the claim based on the summary below:

Facts: On April 9, 2017, Michelle Schultz called the West Allis Police Department to report that the father of her child, John Sorger, had assaulted her during an argument. After interviewing Ms. Schultz and observing injuries to her, officers attempted to arrest Sorger, who was not on scene, for two misdemeanors and a felony warrant. However, officers were not able to locate Sorger. On the next day, an officer saw Sorger at Ms. Schultz's home; when the officer's squad car parked in the front of Ms. Schultz's home, Sorger ran away. Officers pursued Sorger and gave him numerous commands to stop for the police and get on the ground, but Sorger ignored them. Sorger climbed a fence and fell to the ground; shortly afterward, he fell to the ground again while running. When Sorger reached for his waistline area, an officer was able to hold Sorger to the ground. Several officers were required to stabilize Sorger during the handcuffing process as Sorger continued to resist arrest. Once officers secured Sorger, officers called an ambulance at 1:20 a.m. due to Sorger having a bruise on his face, having trouble breathing, and being under the influence of alcohol and/or drugs. After treatment at Aurora West Allis Medical Center, Sorger returned to the police department at 3:30 a.m., and officers booked him for two misdemeanors and the felony warrant and issued him two citations.

Claim: Sorger is claiming that the police officers intentionally kicked and severely beat him, causing him three broken ribs, other fractures, injuries, bruises, and head trauma and leaving him unable to walk by himself. Sorger is seeking \$500,000 in compensatory damages and \$1,000,000 in punitive damages.

Analysis: The claim should be denied because the officers' actions were appropriate in this matter. The officers possessed probable cause to arrest Sorger, and their actions to arrest him were in compliance with the Police Department's standards for the management of resistance and aggression. Contrary to Sorger's claim, the report indicates that the officers did not strike, punch, or kick Sorger. Rather, his injuries were most likely suffered when he fell over the fence and when he fell face-first to the pavement while running from the officers. Furthermore, it is unlikely that a hospital would release Sorger after only two hours if his injuries were as severe as he claims they were. In fact, officers did not notice any visible injuries to Sorger except for a bruise.

Therefore, based on the above analysis, the City Attorney Office's recommendation is to deny this unmeritorious claim.

Respectfully submitted,


Jenna Merten
Assistant City Attorney
