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February 5, 2021

Wauwatosa Police Department  
Chief Barry Weber  
1700 N 116th Street  
Wauwatosa, WI 53226

City of Wauwatosa  
Attorney George Schimmel  
7725 W. North Avenue  
Wauwatosa, WI 53226

West Allis Police  
Chief Patrick Mitchell  
11301 W. Lincoln Ave.  
West Allis, WI 53227

City of Wauwatosa  
Mayor Dennis McBride  
7725 W. North Avenue  
Wauwatosa, WI 53213

Cindi Dulaney  
Interim City Clerk  
7725 West North Avenue  
Wauwatosa, WI 53213

Wauwatosa Police Department  
Lt. Jeffrey Farina  
1700 N 116<sup>th</sup> Street  
Wauwatosa, WI 53226

Re: Notice of claims for Tahudah Cole

Dear Parties,

I write on behalf of our client, Tahudah Cole, an adult individual who resides at 4876 N 24<sup>th</sup> PI Milwaukee, WI 53209 and County of Milwaukee, pursuant to Wisconsin Statute § 893.80 to provide notice of state law claims that claimant has against the City of Wauwatosa, the Wauwatosa Police Department, the Waukesha Police Department, and as-yet unknown employees or former employees of the City of Wauwatosa, the Wauwatosa Police Department, and the Waukesha Police Department.

My client may be contacted through her attorney (Kimberley Motley) at the following address:

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## **Factual Background:**

· Following the George Floyd killing in Minneapolis on May 25, 2020, Wauwatosa (along with other cities across the country), began to experience protests calling for police reform. On Sunday, August 23, 2020, Jacob Blake was attacked by an officer of the Kenosha Police Department (“KPD”). The events of Mr. Blake’s attack were captured on video by a bystander and have renewed our national debate on systematic racism and police brutality directed at Black Americans. Mr. Blake was transported to a local hospital, where he underwent multiple surgeries. He remains paralyzed.

On February 2, 2020 former Wauwatosa Police Department (“WPD”) Officer Joseph Mensah shot and killed 17-year-old Alvin Cole at Mayfair Mall. Alvin Cole was the third person killed by Mensah in a five-year time period. The prior two persons Jay Anderson, Jr. was killed on June 23, 2016 and Antonio Gonzales killed on July 15, 2015 all occurred while Mensah was an officer with the WPD. From February 2, 2020 through October 7, 2020 the Milwaukee County District Attorney was investigating the death of Alvin Cole.

On September 30, 2020, in anticipation of protests arising out of the announcement from Milwaukee County District Attorney’s Officer regarding the shooting of Alvin Cole by Joseph Mensah, Mayor McBride signed a “Proclamation of Emergency” for the City of Wauwatosa. McBride reasoned that there would be protests on the basis of the experiences in Kenosha, Wisconsin and Louisville, Kentucky. There was no emergency in Wauwatosa and McBride did not provide any specific concrete evidence that there would be civil unrest in Wauwatosa during the dates listed in the Emergency Proclamation. He appeared to base his decision on an unsubstantiated belief that there would be unrest. McBride, in unilaterally declaring the Proclamation of Emergency and then failing to bring the proclamation of emergency to the first available meeting with the Common Council on October 6, 2020 invalidated the curfew. The curfew enacted restricted “pedestrian and vehicular traffic on Wauwatosa streets” from 7pm to 6am, to commence on October 7 and continue to October 12, 2020.

The Wauwatosa Common Council, the local governing body for the City of Wauwatosa, met on October 6, 2020. The Proclamation and curfew was not discussed nor taken up on official business. At this point, the Common Council was not aware of the Proclamation or pending curfew. Chief Weber knew that McBride did not inform the Common Council and Weber is legally required to not follow unlawful orders. Despite that, we believe Chief Weber relied on the Emergency Proclamation in requesting the assistance of at least fifteen other law enforcement agencies, the U.S. Marshalls, and the FBI. McBride announced the Proclamation to the public on October 7, 2020 – which also was the first time that Wauwatosa’s Common Council became aware of it. Over the following days, approximately 70 individuals were arrested under this curfew. When the Proclamation was brought up in a Special Meeting called by the Mayor and City Attorney Alan Kesner on October 13, 2020, the Common Council refused to ratify the Mayor’s declaration.

It should be noted that claimant was arrested by Lt. Jeffrey Farina. After claimant was arrested Tahudah Cole was brought to West Allis Police Station which is under the authority of Chief Patrick Mitchell for a noncriminal municipal ticket of Violation of an Emergency Order.

After arriving at the police station claimant was made to talk to the FBI at West Allis Police Station despite a complete lack of probable cause that they had committed any state or federal crimes, and they were ultimately given an unlawful ticket by Lt. Jeffrey Farina for Violation of an Emergency Order pursuant to Wauwatosa's Municipal Code 7.02.010.50 in the amount of \$1,321, to which the City Attorney George Schimmel brought the matter to Wauwatosa Municipal Court on December 10, 2020. This Wauwatosa Municipal Ordinance was adopted pursuant to Wis. Stat. 323.28 in which the MAXIMUM forfeiture statutorily allowed is \$200. Despite this fact, the City of Wauwatosa through its legal representative Attorney George Schimmel, is still prosecuting the unlawful tickets in the amount of \$1,321 more than an unlawful 600% marked up and to date had refused to dismiss claimants ticket.

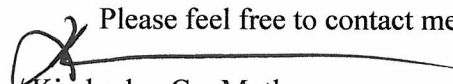
#### **Claims:**

Claimants allege multiple state law claims against the City of Wauwatosa, the Police Chief, and as-yet unknown employees or former employees of the Wauwatosa Police Department and the city of Wauwatosa who were involved in the events resulting in my client being harassed, ticketed, and arrested. We believe that the respondents were negligent in their actions, had negligent supervision and training, negligent and intentional infliction of emotional distress, battery, *respondeat superior*, indemnification, and conspiracy to commit the claims provided.

In addition to these state law claims for which notice may be required, Claimants allege federal claims for which notice is not required.

#### **Itemized Damages:**

Claimant requests \$2,000,000 as compensation, for her actual damages as well as her physical and mental injuries. She has suffered significant damages due to the intentional acts and negligence of the City, the Police Chief, and as-yet unknown employees or former employees of the City of Wauwatosa and the Wauwatosa Police Department. Claimant has suffered significant pain and suffering, loss of income, reputation, and future earnings, and other damages to be determined.

 Please feel free to contact me if you have any questions or concerns.

s/ Kimberley Cy. Motley  
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ATTORNEY FOR TAHUDAH COLE