

MEMORANDUM

Re: David Davis vs Police Officers
and City of Detroit
Circuit No. 75 058 068 NO

Final pre-trial conference on this case was conducted by the Honorable Thomas J. Foley this morning. A figure of Ninety-Five Thousand (\$95,000.00) Dollars was reached for proposed settlement. We recommend settlement at that figure.

This is the last of the "Rochester Street" cases to be reached for trial. In the previous cases, your Honorable Body authorized settlement at \$750,000.00 for the estate of deceased Deputy Sheriff Henderson, a jury verdict of \$100,000.00 was awarded Deputy Henry Duvall and another jury awarded \$1,650,000.00 to Deputy James Jenkins. The Jenkins case is on appeal.

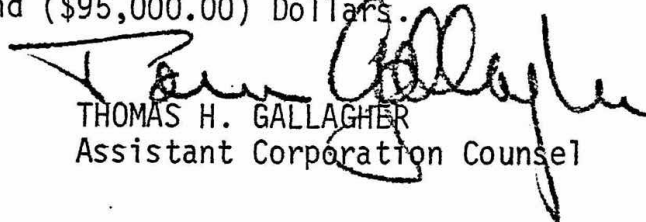
The present plaintiff, Deputy Sheriff David Davis, did not incur gunshot wounds in this incident but he claims he was beaten by our clients after the shooting stopped and the occupants of the apartment had surrendered. The medical evidence bears out that he did suffer some kidney injury and brain concussion from a beating. However, his principal claim is for psychic trauma resulting from the whole incident, the number of shots fired, the death of Henderson and the critical injuries to Jenkins.

It became obvious from the reaction of the juries in the Jenkins and Duvall trials that no jury would absolve our clients of liability in any of these cases and the only possible defense in the Davis Case would be to concede liability and to seek to minimize the claim for damages by disproving the claims of psychic trauma. However, the evaluations and reports of two able and respected psychiatrists, Dr. Robert R. Schopbach and Dr. Saul Foreman, verify that Davis has suffered adverse changes in his personality and behavior as a result of the incident. Dr. Foreman was retained by us and we have no reason to doubt his evaluation.

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Another factor that would work against any success we might expect in this case is that Officer Virgil Starkey who is the defendant charged with actually beating Davis has since been discharged from the police department as a result of a disciplinary proceeding unrelated to the "Rochester Street" incident and we have been unable to locate him.

Accordingly we recommend that your Honorable Body approve settlement at Ninety-five Thousand (\$95,000.00) Dollars.


THOMAS H. GALLAGHER
Assistant Corporation Counsel

THG:jkg