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DEPARTMENT OF LAW

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TO:

FROM:

RE:

HONORABLE EDWARD M. BURKE Chairman. Committee on Finance

Mara S. Georges Corporation Counsel

Pamela Pleasance, as Special Administrator of the Estate of Michael Pleasance, Deceased v. City of Chicago and Alvin Weems 10 L 8453

DATE:

March 1, 2011

The Law Department recommends \$3 million to resolve this case involving the fatal shooting of plaintiff's 23-year-old son, Michael Pleasance. This settlement occurred on the eve of a second trial, with the jury in the first trial awarding \$12.5 million in damages.

On March 8, 2003, at approximately 6:30 a.m., defendant Officer Alvin Weems shot Michael Pleasance at point-blank range in the head at the Red Line CTA station located at 95th and the Dan Ryan. The shooting was captured on security camera video tape. Pleasance died instantly.

The shooting occurred during an arrest of the decedent's friend, Patrick Anderson, after Weems broke up a brawl at the CTA station involving 4-5 individuals. Weems was a patrol officer assigned to the Mass Transit Unit at the time of the occurrence. When he broke up the fight, Weems was not in uniform and was not wearing his duty belt because he had just arrived to work 17 minutes late. According to witnesses, they did not realize he was a police officer, but believed he was a gun-wielding thug. If Weems had been outfitted with his duty belt, he would have had access to other less lethal methods of control, including handcuffs and pepper spray. In violation of CPD protocol, however, Weems had his gun (the one he carried off-duty) drawn at the time he broke up the fight and while he was trying to arrest Anderson. The videotape indicated that while Pleasance repeatedly approached Weems as he was arresting Anderson, he did not appear to be threatening Weems or interfering in the arrest. He was right next to Weems when Weems shot him at point blank range below the right ear, a shooting that the medical examiner described as a "near contact firing." Weems contended that the shooting was unintentional, but admitted in his deposition that he had no justification to shoot Michael Pleasance and that his conduct showed reckless disregard for the safety of others.

OPS recommended that Weems be terminated, but the recommendation was rejected by then-Superintendent Philip Cline, who gave Weems a 30-day suspension for "inattention to duty" with regard to Weems' use of his gun, specifically, for having his finger on the trigger without an intention to shoot. Weems served the 30-day suspension.

At the time of his death, Michael Pleasance, who was unmarried and had no children, was unemployed. He resided with his mother in Justice, Illinois. Prior to that, he was incarcerated for 18 months on a conviction for the sale of cocaine. There was testimony that the decedent intended to pursue a career in horticulture, but he had made no substantive progress in this endeavor before his death. His mother has a Masters degree in Public Health and is a registered nurse. She left her job at a nursing home after her son's death as a result of her emotional instability resulting from his death.

Plaintiffs pretrial demand was \$9 million, and the case proceeded to trial .in late 2007. Based on Weems' testimony admitting reckless conduct and the findings of OPS and the former Superintendent, the City admitted liability and tried the case solely on damages. Despite the City's contention that the jury should have considered only damages, the trial judge allowed plaintiffs attorney extended commentary on the egregiousness of Weems' conduct in both opening and closing statements. On December 13,2007, the jury returned a verdict in favor of plaintiff for \$ 12.5 million.

The City and Weems appealed the verdict, contending that the improper admission of evidence on liability inflamed the passion and prejudice of the jury. The appellate court agreed and reversed the verdict, ordering the trial court to conduct a new trial.

After the case was returned to the trial court, pretrial conferences were held, with the judge indicating that the case should settle in the range of \$4-6 million. Plaintiff has now indicated a willingness to accept \$3 million to resolve this wrongful death case. Plaintiff is represented by Craig Mannarino and Allen Schwartz from Kralovec, Jambois & Schwartz, 60 W. Randolph Street, 4th Floor, Chicago, Illinois 60601.