

**CONFIDENTIAL, PRIVILEGED COMMUNICATION**  
**ATTORNEY WORK-PRODUCT**

**DEPARTMENT OF LAW**

September 13, 2018

**TO:** Mayor Wade Kapszukiewicz WK (9-18-18)

**THROUGH:** Katy Crosby, Chief of Staff (K) 9/17/18  
Dale R. Emch, Director of Law DRE 9/17/18

**FROM:** Merritt W. Green III, Senior Attorney (x1037)

**SUBJECT:** Proposed Settlement- *Stephen Leggett. v. City of Toledo*  
USDC Case No. 3:16-cv-1750

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I am enclosing herein a copy of a proposed ordinance to authorize the settlement of Mr. Leggett's claim for his wrongful termination by the City in the amount of \$120,000.00 and the dismissal of his lawsuit against the City.

The civil case is brought under §1983 and alleges that he was denied due process when his job was terminated on December 31, 2016. The lawsuit also alleges state causes of action under R.C. 2605, and seeks both compensatory (including his attorney's fees) and punitive damages.

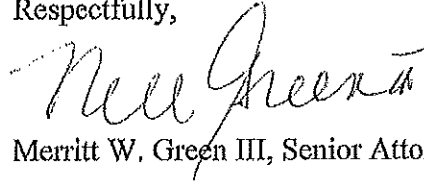
The City has denied liability and raised several appropriate defenses, but was unable to achieve dismissal of Mr. Leggett's claims by way of a motion for summary judgment. Instead, Judge Carr found a constitutional violation by the City because it failed to allow Mr. Leggett a hearing before his job with the City was terminated. After prolonged negotiations, as well as the recent mediation conducted by Mag. Judge Knepp, the parties reached a proposed settlement in the amount of \$80,000.00 to Mr. Leggett and the payment of all necessary contributions to OPERS so as to insure that he receives service credit for the period of January 1, 2016 through April 1, 2017; and payment in the amount of \$40,000.00 to Mr. Leggett's attorneys. (Mr. Leggett's initial demand was over \$200,000.00).

In order to terminate the ongoing expense and risk of further litigation, it is highly recommended that the City accept this settlement. At the time Mag. Judge Knepp mediated this matter, Mr. Leggett's legal fees alone totaled \$71,265.00. If Mr. Leggett prevails at trial, the City of Toledo would be responsible to his pay costs and legal fees, which through trial could be expected to double. In addition to the above litigation costs, there would also be compensable damages the City could be responsible for given the nature of the allegations and injuries presented by the Mr. Leggett. A verdict in favor of Mr. Leggett in the amount of \$115,000 to

\$125,000.00 is possible plus his attorney fees of in the amount of \$114,000.00, or a total of \$265,000.00.

I therefore recommend that the settlement of this matter proceed as proposed in the amount of \$120,000.00. If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,

A handwritten signature in cursive script, appearing to read "Merritt W. Green III".

Merritt W. Green III, Senior Attorney

c. Jeffery Charles