

PRESS RELEASE

Today, the First District Illinois Appellate Court vacated a \$12.5M jury verdict entered against the City of Chicago in the case of *Estate of Michael Pleasance v. City of Chicago* and remanded the case for a new trial. This case related to the March 8, 2003 shooting death of Michael Pleasance by Alvin Weems, a Chicago Police Department officer, at the CTA 95th Street train terminal. On that date, Officer Weems arrived late and without his uniform to his assigned post at the train station when he observed a fistfight between several young males. Mr. Pleasance was not involved in the altercation. Officer Weems immediately drew his weapon. With his weapon drawn, he pulled one of the males away from the scuffle and then without justification fired his weapon at Mr. Pleasance, striking him in the head and killing him. The entire incident was captured on CTA security video. The case was tried before Judge Bill Taylor in the Circuit Court of Cook County in December, 2007. Prior to trial, the City admitted that its officer's willful and wanton misconduct caused the death of Michael Pleasance, a 23-year-old man. After a several-day trial in which the City was permitted to introduce into evidence substantial negative information concerning Michael (including previous alcohol and marijuana use and academic failure), the jury awarded the family of Mr. Pleasance \$12.5 for his wrongful death. Today, that result was overturned.

In an opinion released today, a three-judge panel of the Illinois Appellate Court concluded that the City had been deprived of a fair trial and ordered a new trial. The Appellate Court opined that, although the City admitted that its officer's willful and wanton misconduct caused the death of Mr. Pleasance, the jury should not have been given information concerning that admission and instead told simply that the "officer discharged his weapon" causing the death of Mr. Pleasance. Telling the jury that the City admitted willful and wanton conduct and defining that phrase for the jurors was improper, according to the opinion released today. Having concluded that the jury should not have been instructed about the admission of willful and wanton misconduct, the Appellate Court found that plaintiff's counsel's reference to that admission in opening statements and closing arguments was improper and warranted a new trial. According to the opinion today, "the manner in which Michael died was wholly immaterial."

Allen N. Schwartz and Craig P. Mannarino of the firm Kralovec, Jambois & Schwartz, the trial lawyers for the Pleasance family, issued the following statement concerning the ruling, "It is truly unfortunate for Michael's family that the City of Chicago doesn't have to adhere to the same rules as any other defendant. In a case where a defendant admits that their wrongdoing caused the death of an individual, it has long been the rule that the jury is given specific instructions under the law telling them exactly what the defendant has admitted so that the jurors have some context in which to make their decision. This opinion today says that that rule no longer applies to the City of Chicago. They are treated specially and get to keep from the jury their admission of wrongdoing. It is unfortunate that the Pleasance family has been denied their justice, but we will keep fighting and expect that a second jury will reach a result in line with the first."

The Appellate Court opinion was authored by Justice Bertina Lampkin, joined by Justices Rodolfo Garcia and Sebastian Patti. According to her bio on the Appellate Court website, Justice Lampkin has never served as a judge in the civil arena, however, she has been employed as an assistant corporation counsel – the entity that defends the City of Chicago in cases such as this.