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## Office of the City Attorney

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### Memorandum

TO: Mayor & Commissioners  
FROM: Shawn D. Smith, City Attorney  
RE: Murphy v. City of Key West  
DATE: March 7, 2016

Mayor and Commissioners,

Attached please find a proposed Memorandum of Settlement in the above referenced case. Also enclosed is a brief analysis from our outside counsel, Michael Burke. I concur with Mike's conclusion to settle the matter. Although we believe the force used under the circumstances was reasonable, the resulting injury to Mr. Murphy was tragic. Despite the legal standard followed by the officer, a jury could very well sympathize with Mr. Murphy's situation and return a much larger verdict given the medical costs involved. The entire sum will be paid by the City's insurer.

I encourage you to contact me with any questions, comments or concerns.