

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TYLER HOLTE,

Plaintiff,

v.

ORDER

CITY OF EAU CLAIRE and
HUNTER BRAATZ,

20-cv-131-jdp

Defendants.

Plaintiff Tyler Holte brings a claim against defendant Hunter Braatz, an officer with the Eau Claire Police Department. Holte alleges no wrongdoing by defendant City of Eau Claire. Holte's claim against the city arises exclusively from the city's statutory obligation under Wis. Stat. § 895.46 to indemnify Braatz. In its order denying summary judgment, Dkt. 40, the court asked whether it was necessary to keep the city in the case. The parties have responded. Dkt. 41; Dkt. 42.

The court is persuaded that it is appropriate and efficient to keep the City of Eau Claire in the case for the purpose of ordering complete relief to Holte. Holte would not be able to bring a freestanding claim against the city. But should he prevail, Holte will be entitled to a declaratory judgment that the city is obligated to indemnify Braatz.

However, the city's role in the case will not be disclosed to the jury, because that would be irrelevant and prejudicial. The city will be removed from the caption of any trial document

that the jury sees, and the parties will not present any evidence or argument about the city's role as indemnitor.

Entered July 15, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge