

The University of Pittsburgh is [settling a lawsuit](#) filed by two men who claimed they were falsely arrested by former university police Officer Michael Rosfeld after they were kicked out of a bar in December.

The news comes a day after Officer Rosfeld's attorney released surveillance video from the incident that supports the officer's account of the night, and as the bar's owners accused the university and the Allegheny County district attorney's office of colluding to dismiss the underlying criminal charges against the men, one of whom was the son of a high-ranking Pitt official.

Officer Michael Rosfeld Officer Rosfeld's civil attorney, Timothy Uhrich, said the surveillance video shows that his client did nothing wrong Dec. 9 when he arrested Jacob Schilling, 24, Timothy Riley, 24, and Daniel Humphrey, 26, at the Garage Door Saloon on Atwood Street in Oakland.

Officer Rosfeld faces a homicide charge for [the shooting in June of 17-year-old Antwon Rose II](#) while he was working as a police officer in East Pittsburgh. That criminal case is unrelated to the Pitt lawsuit.

Video from inside and outside the bar shows the men being escorted to the door and shoved out by the bar's owner, Mark Welshonse, who later claimed they'd been fighting with patrons. The men then stood around the door, banging on it. An on-and-off scuffle ensued between Mr. Welshonse, a bouncer and the three men, with both groups behaving aggressively.

Officer Rosfeld arrived a few minutes into the scuffle and helped another officer detain the men. He handcuffed Mr. Schilling on the ground and then stood him up against a wall, keeping one hand on the man's shoulder before going inside the bar.

"The video absolutely backs up everything that's in this affidavit of probable cause," Mr. Uhrich said. "It shows no aggressive moves by Michael toward any of the three."

All three were charged with simple assault, defiant trespass, disorderly conduct and public drunkenness. But when they appeared for preliminary hearings Dec. 21, all of the charges were withdrawn.

Allegheny County District Attorney Stephen A. Zappala Jr. said Thursday he was told by his detectives that [the charges didn't match video evidence in the case.](#)

But in a cross-claim filed by the owner of the Garage Door Bar against Pitt on Wednesday, attorney P. Charles Schneider accused the DA's office of withdrawing the charges at the behest of Kathy Humphrey, the university's senior vice chancellor for engagement and secretary of the board of trustees. She is Mr. Humphrey's mother.

"At the time of the preliminary hearing, and after the plaintiffs had signed the plea agreement, with the consent and knowledge of their respective counsel and with the agreement of the assistant district attorney, multiple members of the Allegheny County District Attorney's detectives' office appeared," Mr. Schneider wrote.

The DA's detectives then told Mr. Welshonse he was no longer required to be there, the filing said, and the case was withdrawn.

"Had it not been for the interference of the University of Pittsburgh, by and through its employees, the plaintiffs would have been convicted," the bar's attorney wrote, and that would have weakened any civil claims.

Mr. Zappala denied Mr. Schneider's allegation, saying, "I don't know who Dr. Humphrey is. That never happened."

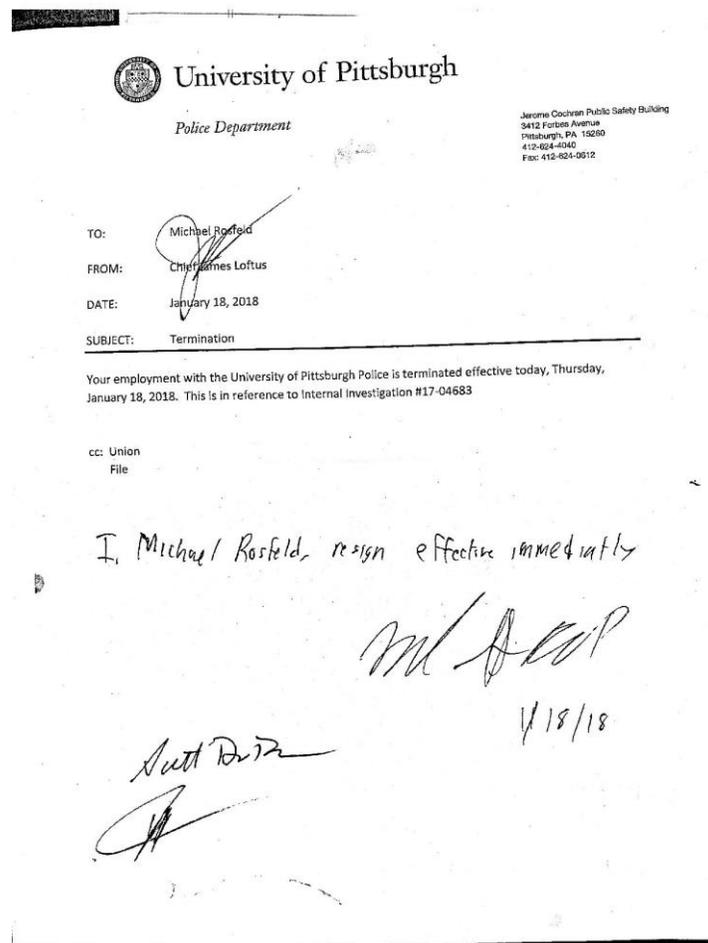
Mr. Zappala could not recall how the case came to his attention but remembers dispatching detectives to investigate and then following their recommendation to withdraw the charges.

"It's a civil action. It's a story. We deal in evidence," he said. "Whatever their position is, eventually it has to be supported by evidence. If he wants to say things like that, then he better prove it. And if it's not supported, there's a ramification to it."

He added that his office always strives to ensure people are properly charged.

"Charging people with a crime is a life-changing experience, and we have worked very hard to ensure that there's someone in our office that looks at [cases] like this," Mr. Zapalla said.

Officer Rosfeld was [suspended from the Pitt police department](#) two days after the arrests at the bar. On Jan.18, he was told he was going to be fired. He asked to resign and was allowed to do so on the spot, Mr. Uhrich said.



Officer Michael Rosfeld received this notice of termination from the University of Pittsburgh's police force on Jan. 18, and then was allowed to resign on the spot. Provided by Timothy Uhrich. (Provided by Timothy Uhrich)

The two-sentence notice of termination said Officer Rosfeld was fired "in reference to Internal Investigation #17-04683." Mr. Uhrich said Officer Rosfeld does not know what that case number refers to, despite requesting the documents.

Mr. Uhrich added that he has asked for Ms. Humphrey's telephone records to try to discover whether she or her staff communicated with the DA's office, the university's police chief or other police supervisors while the case was pending against her son, who did not join the lawsuit against Officer Rosfeld and the university.

Robert N. Peirce III, who represents Mr. Schilling and Mr. Riley in the federal lawsuit, in which the men claim Officer Rosfeld wrote a false affidavit to support the arrest, said he believes the video corroborates the men's allegations.

Officer Rosfeld wrote in the affidavit that he reviewed surveillance video of the incident, but in the video, Officer Rosfeld went into the bar for only 1 minute and 40 seconds, not be long enough to review video of the whole incident, Mr. Peirce said.

"As such, I don't believe the criminal affidavit was correct," he said.

Mr. Uhrich said Officer Rosfeld did review the video while inside the bar.

The university filed notice Thursday that it had reached a settlement with Mr. Schilling and Mr. Riley and requested a few days from the court to finalize it.

Joe Miksch, a Pitt spokesman, said he could not comment.

Paula Reed Ward: 412-263-2620, pward@post-gazette.com or follow @PaulaReedWard on Twitter. Bradbury: 412-263-1999, sbradbury@post-gazette.com or follow @ShellyBradbury on Twitter.