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November 2, 2009

To the Honorable
Common Council of the
City of Milwaukee
Room 205 – City Hall

Re: Resolution Authorizing Payment of a Judgment
for costs in *City of Milwaukee v. NL Industries, et al.*

Dear Council Members:

Enclosed is a resolution recommending payment of a judgment for court costs in the above-referenced lawsuit. We ask the resolution be introduced and referred to the Committee on Judiciary and Legislation for its recommendation.

In 2001, the City of Milwaukee engaged several law firms under a contingency agreement to sue various paint and lead manufacturers for creating a public nuisance by manufacturing and selling lead paint. In the end, the jury ruled in favor of the companies and their verdict was upheld on appeal. On January 8, 2008, local counsel for defendants obtained a judgment against the City of Milwaukee in the amount of \$31,114.16 for court costs. There is a dispute between the City and the law firms concerning who is obligated to pay the court costs under the contingency agreement.

Since the date of judgment, interest has been accruing on this amount in the sum of \$10.23 per day. Accordingly, we recommend that this judgment be paid by the City to avoid further interest charges. We have estimated a payment date of December 15, 2009 and have figured the total payment to be \$38,346.77. We ask to meet with

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the Judiciary and Legislation Committee in closed session to discuss with you the City's recourse concerning this payment.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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