



## Legislation Details (With Text)

**File #:** 080869 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 10/7/2008 **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:** **Final action:** 11/25/2008

**Effective date:**

**Title:** Substitute resolution authorizing settlement of the lawsuit entitled Estate of Justin Fields v. Nawotka, et al., Case No. 03-C-1450.

**Sponsors:** THE CHAIR

**Indexes:** LITIGATION, SUITS SETTLEMENT

**Attachments:** 1. Fiscal Note, 2. Cover Letter, 3. Letter from City Attorney dated 10/24/08, 4. Reply from the Department of Administration, 5. Notice List

Date	Ver.	Action By	Action	Result	Tally
10/7/2008	0	COMMON COUNCIL	ASSIGNED TO		
10/14/2008	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/20/2008	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/27/2008	1	CITY CLERK	DRAFT SUBMITTED		
11/3/2008	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
11/3/2008	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
11/17/2008	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:1
11/25/2008	1	COMMON COUNCIL	ADOPTED	Pass	11:3
12/5/2008	1	MAYOR	SIGNED		

080869  
Substitute 1

### THE CHAIR

Substitute resolution authorizing settlement of the lawsuit entitled *Estate of Justin Fields v. Nawotka, et al.*, Case No. 03-C-1450.

This resolution authorizes settlement of the lawsuit entitled *Estate of Justin Fields v. Nawotka, et al.*, Case No. 03-C-1450, for the total amount of \$1,600,000.00.

Whereas, Plaintiff Estate of Justin Fields filed a civil rights lawsuit against the City of Milwaukee and certain former and/or current employees thereof; and

Whereas, Representatives of the Estate and the City of Milwaukee mediated the case and have entered into an agreement, to settle the above-referenced lawsuit for the total amount of \$1,600,000.00; and

Whereas, The City Attorney recommends that the City of Milwaukee settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$1,066,666.67, payable to the order of Cannon & Dunphy, S.C. Client Trust Account, as soon as practicable, and a second check for the amount of \$533,333.33, also made payable to the order of Cannon & Dunphy, S.C. Client Trust Account, to be issued on or about January 5, 2009, but not before January 1, 2009, in full and final settlement of this lawsuit, said amounts to be charged to the Damages and Claims Fund, Account No. 0001-1490-S118-006300; and be it

Further Resolved that the funding of the settlement amount will be authorized by a resolution contemporaneously approved by the Common Council; and that the proper City officers are authorized to make the necessary transfers to the appropriate accounts or funds to dispense the settlement amount; and be it

Further Resolved, that for and in consideration of the above-referenced payments, the Estate, by its representatives, the parents of Justin Fields, and their attorney, will provide to the City a release of any and all claims arising out of or in any way related to this incident and a stipulation and proposed order for dismissal of the pending court action.

City Attorney

SEL:enm

October 24, 2008

1032-2003-3770.001:138415