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January 28, 2009

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

Re: Resolution to approve settlement in the matter of *John M. Kastner*
v. City of Milwaukee, ERD Case No. CR200602633
Substitute One
File No. 081333

Dear Council Members:

Enclosed please find Substitute One, to fill file number 081333. This matter is scheduled for the Judiciary and Legislation Committee on February 2, 2009 at 1:30 p.m. in room 301-B, City Hall in closed session for purposes of conferring with the City Attorney pursuant to §19.85(1)(g), followed by open session for the regular agenda.

The proposed settlement resolves litigation between the plaintiff, John M. Kastner and the City of Milwaukee Department of Neighborhood Services. Mr. Kastner was interviewed, but not selected for the position of Elevator Inspector I in April 2006. In June 2006 he filed a complaint of age discrimination. On March 19, 2008, the Equal Rights Division conducted a hearing on the issue of probable cause. On May 21, 2008 an administrative law judge found probable cause to believe that age discrimination may have occurred and the matter is now scheduled for a hearing on the merits of the complaint.

The settlement agreement provides for a total payment of Twenty Six Thousand Five Hundred (\$26,500) dollars, of which \$10,000 will be paid to John M. Kastner for damages, and \$16,500 to his attorney for attorney fees and costs, upon execution of a complete release of all claims.

The Honorable Common Council
of the City of Milwaukee
January 28, 2009
Page 2

Given the circumstances in this case, the City Attorney believes this settlement is in the best interests of the City, and recommends adoption of the pending resolution.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Miriam R. Horwitz
Assistant City Attorney
Enc.

MRH/mrh

1053-2006-1846.001:141965

c (w/enc.): Richard Paur, Dept. of
Neighborhood Services