

April 18, 2005

The Honorable Common Council  
Of the City of Milwaukee  
City Hall – Room 205

Re: Resolution to authorize settlement of lawsuit entitled *Dean Monfre v. City of Milwaukee, Department of Public Works*, Case No. 04-C-0352

Dear Council Members:

Enclosed please find a resolution authorizing settlement of the above captioned litigation.

On April 8, 2004 Dean Monfre filed a case alleging discrimination based on disability with regard to his discharge and an alleged failure to accommodate his disability.

Mr. Monfre suffers from epilepsy, he is over 40 years of age and he has filed prior charges with the United States Equal Employment Opportunity Commission and the Wisconsin Equal Rights Division under fair employment laws. He is a member of a protected class under the Age Discrimination in Employment Act of 1967, as amended and the Americans With Disabilities Act of 1990, as amended. All of Mr. Monfre's misconduct involved disturbances affecting co-employees.

In consideration of the payment to Mr. Monfre of the gross sum of \$45,000.00, he agrees to withdraw his discrimination case filed in the United States District Court for the Eastern District of Wisconsin growing out of his discharge. By terms of this agreement the claim is to be withdrawn.

The parties have entered into a settlement in order to avoid further litigation. Under the terms of the settlement, Dean Monfre and F. Thomas Olson, his attorney, will receive a total of \$45,000.00 to cover any and all claims that could have been brought, including back pay, compensatory damages, lost benefits, reinstatement, attorney fees, and costs. There is no admission of liability.

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The City Attorney believes settlement is in the best interests of the City and therefore recommends settlement of the pending case.

The City Attorney requests that the Committee to which this matter is referred convene in closed session for purposes of discussing the terms of the settlement, and the underlying litigation.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

LEONARD A. TOKUS  
Assistant City Attorney

GFL:LAT:enm  
Enclosure  
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