

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDDIE L. HATCH, JR., and
MICHELLE DAVIS-HATCH,

Plaintiffs,

v.

Case No. 20-CV-1791-JPS

THE CITY OF MILWAUKEE,
MAYOR TOM BARRETT, et al.,

Defendants.

**BRIEF IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT
BY DEFENDANTS CITY OF MILWAUKEE, MAYOR TOM BARRETT, "FIRST
DISTRICT ALDERMAN'S OFFICE," ASHANTI HAMILTON, SAKURI FEARS,
ANDREA PRATT, DEPARTMENT OF CITY DEVELOPMENT, DWAYNE K.
EDWARDS, MATT HAESSLY, AMY E. TURIM, KEN LITTLE,
VANESSA KOSTER, AND JAMES STARKE**

This case was remanded by the Seventh Circuit to allow Plaintiffs Eddie L. Hatch and Michelle Davis-Hatch the opportunity to replead a claim under 42 U.S.C. § 1982. (ECF No. 77). Plaintiffs have asserted such a claim in their Second Amended Complaint, and added eight new claims as follows:

- (1) 42 U.S.C. § 1982 – Property rights of citizens
- (2) 42 U.S.C. § 1981 – Equal rights under the law - Contracts
- (3) 42 U.S.C. § 1983 – Civil action for deprivation of rights – Civil Conspiracy
- (4) 18 U.S.C. § 1343 – Fraud by wire, radio, or television
- (5) 18 U.S.C. § 1343 – Fraud and swindles
- (6) 18 U.S.C. § 1361 – Government property or contracts
- (7) 18 U.S.C. § 1961-68 – Prohibited activities
- (8) Intentional infliction of emotional distress
- (9) § 1983 Liability for defamation

Id. at 6-12.

City to again seek development plans for former north side library. One bidder calls that process unfair.

[Tom Daykin](#)

Milwaukee Journal Sentinel



City officials again will seek development proposals for a former north side library — a process that one bidder says has been unfair.

The Department of City Development plans to issue a request for proposals within a few weeks for the former library, at 3310 W. Villard Ave., said Martha Brown, deputy development commissioner.

That comes after the department rejected three proposals that followed a request posted last fall.

Department officials rejected those proposals after deciding more information was needed about the costs of removing asbestos and lead paint from the building, Brown said.

That environmental hazard assessment should have been done before the first request for proposals was issued in 2018, Brown said.

The cleanup costs could be extensive, she said, and that information should be evaluated by prospective developers.

Also, the Villard Avenue Business Improvement District has started a "visioning process" to gather ideas for the site, Brown said.

The department wants to wait for recommendations from the business improvement district before evaluating development proposals, she said.

Last fall's request for proposals was premature, Brown said.

"We probably got a little ahead of ourselves," she said.

One bidder, Eddie Hatch, said the department's process hasn't treated him fairly.

Hatch in October offered to buy the building, then listed for sale at \$50,000, for \$40,000.

He wants to renovate it for his family-owned business, [Night Owl Services LLC](#).

That firm, which repairs cooking equipment and other commercial appliances, now operates out of Hatch's nearby home.

The former library would provide room for Night Owl to expand and provide more jobs to central city residents, Hatch said.

Hatch said Department of City Development officials were initially supportive of his proposal.

But that changed after two other bids surfaced, he said.

That included a proposal from Shreveport, Louisiana-based logistics firm Endara Enterprises LLC to convert the building into a distribution center that would serve Amazon.com Inc. and other clients.

Also, Lansing, Michigan-based Cinnaire, working with Northwest Side Community Development Corp., proposed demolishing the building and creating an affordable apartment building with a school on the first floor, according to the Department of City Development.

Hatch said Night Owl's proposal would provide more family-supporting jobs. But he's concerned that city officials favor proposals from larger businesses.

He said neighborhood residents who attended a March open house about the proposals mainly supported Night Owl's plans.

Hatch's proposal includes creating a commercial kitchen that food businesses could use, and providing space for catered events at the building.

But Department of City Development officials aren't supportive, Hatch said.

"It's heart breaking," Hatch said.

Common Council President Ashanti Hamilton, whose district includes the old library, didn't respond to a Journal Sentinel request for his opinions about the city's process, and the proposals.

Brown reiterated that the department rejected all the three proposals — and that prospective bidders need more information about the building's environmental costs.

"We just want to make sure that any buyer of the building has his eyes wide open," she said.

The former library has been vacant since 2010. That's when Villard Square, an apartment building with a library branch, opened at 3427 W. Villard Ave.

An earlier version of this story misstated who proposed an apartment building at the site. It was Cinnaire.

Tom Daykin can be emailed at tdaykin@jrn.com and followed on [Instagram](#), [Twitter](#) and [Facebook](#).