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June 15, 2007

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

Re: Proposed settlement in the lawsuit entitled *Wisconsin Community Service, et al. v. City of Milwaukee*; Case No. 01-C-575

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

Plaintiffs, Wisconsin Community Services and Wisconsin Community Foundation, Inc., through their attorneys, Pledl Law Office, by Robert Pledl, filed a lawsuit alleging that the City of Milwaukee violated its clients' rights under the Americans With Disabilities Act by refusing to grant a special use permit to the plaintiffs for the operation of a mental health clinic in the vicinity of North 37th Street and West Wisconsin Avenue. The plaintiffs obtained summary judgment in the District Court on a portion of their claims against the City, however, the City successfully appealed that summary judgment. As a result of the appeal, the Seventh Circuit Court of Appeals remanded the matter for further proceedings.

Upon remand, the plaintiffs and our offices entered into settlement discussions with the following results. The plaintiffs have agreed to dismiss their lawsuit and to waive any claims that they may have for damages or attorney's fees in this case. In return, they have asked the City to assist them to obtain bond financing to refinance the mortgage loan for the building housing WCS's mental health clinic, an arrangement that the Redevelopment Authority of the City of Milwaukee enters into from time to time with other nonprofit entities. They have also asked the City to refrain from objecting to the granting of a continued special use permit to the plaintiffs for the occupancy of the premises by the mental health clinic at North 37th and West Wisconsin Avenue.

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Because WCS would not receive any benefit from this settlement if it does not receive a continued special use permit from BOZA for its mental health clinic, WCS will not execute the appropriate release and stipulation to dismiss the litigation until such time as BOZA has acted favorably on WCS' pending request. In other words, the settlement will not be complete until BOZA grants approval.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend approval of this proposed agreement and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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JAS/dj

Enclosures

1082-2001-1824/119456