

May 2, 2006

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

Re: Resolution to authorize settlement of lawsuit entitled *Albert L. Owens, Jr. v. City of Milwaukee Department of Public Works*, Case No. 03-C-0995

Dear Council Members:

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

On October 14, 2003 Albert L. Owens, Jr. filed a case alleging discrimination based on disability with regard to his lay off and an alleged failure to accommodate his disability.

Mr. Owens suffers from physical trauma and degenerative disease regarding his back. His own physician imposed restrictions that prevented him from performing the essential job related duties of an Electrical Mechanic for the City of Milwaukee. Mr. Owens' lay-off occurred when the City had no further work he could perform with his restrictions. 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 Title VII of the Civil Rights Act of 1964, as amended. Mr. Owens alleges he is a member of the protected class under the Americans With Disabilities Act of 1990, as amended.

The trial Judge, Charles N. Clevert, Jr., of the United States District Court ordered this matter to be sent to United States Magistrate Judge Aaron Goodstein for mediation. On April 3, 2006, as a result of the aforesaid mediation held in the United States District Court for the Eastern District of Wisconsin, the settlement discussed herein was entered into, subject to your approval.

In consideration of the payment to Mr. Owens of the gross sum of \$67,500.00, he agrees to withdraw his discrimination case filed in the United States District Court for the Eastern District

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of Wisconsin growing out of his lay off. By terms of this agreement the claim is to be dismissed with prejudice.

The parties have entered into a settlement in order to avoid further litigation. Under the terms of the settlement, Albert L. Owens, Jr. and Robert M. Mihelich, his attorney, will receive a total of \$67,500.00 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.

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

103963/1047-2003-3383