

May 24, 2004

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

Re: Resolution Authorizing Settlement of a Class Action Claim against Fresenius National Medical Care, Inc. (Basic Health Plan)

Dear Council Members:

Enclosed please find a resolution recommending settlement of the above-referenced claim, which we ask be introduced and referred to the Committee on Judiciary and Legislation for their recommendation.

The legal department of Wisconsin Physicians Service Insurance Corporation (WPS), the claims administrator for the Basic Health Plan, has invited the City to participate in a class action recovery that WPS (along with other insurers) obtained in a class action against Fresenius National Medical Care Inc. A settlement has now been reached, and WPS has requested the City's authorization to proceed on its behalf in implementing the settlement. Settlement of this claim is recommended based upon the reasons stated on the enclosed letter from WPS.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ELLEN H. TANGEN
Assistant City Attorney

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Enclosure
c: Tracy Kominiak, WPS (w/encl)
1088-2004-1521