

January 8, 2008

Alderman Michael D'Amato, Chairman  
City of Milwaukee Common Council Judiciary and Legislative Committee  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

**Albert Loth v. City of Milwaukee: State Supreme Court Review**

Dear Alderman D'Amato:

Please open a Common Council file in this matter.

In January, 2006 Albert Loth, represented by James W. Greer of Whyte, Hirshboeck, Dudek, SC filed a lawsuit against the City claiming that retiree benefits for eligible management employees, regardless of the plan selected, would always be free.

On July 25, 2002 the Common Council of the City of Milwaukee passed file No 020479 requiring eligible management employees who retire after December 31, 2003 to pay for health insurance the same as active management employees.

On January 30, 2007, Hon. Patricia D. McMahon, Br.18 ordered summary judgment in favor of Defendant City of Milwaukee and dismissed the matter in its entirety.

On December 27, 2007, The Court of Appeals reversed the order of Judge McMahon.

This office is recommending that the City petition for Supreme Court review.

Attorney Alan Levy of Lindner&Marsack, SC has been retained by the City of Milwaukee in this matter. Attorney Levy and I would be available to answer any questions you have regarding this matter.

Sincerely,

Michael Brady  
Employee Benefits