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August 14, 2013

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

Re: Resolution Authorizing Settlement of the Lawsuit Entitled
Harvest Covenant Church, et al. v. City of Milwaukee
U.S. District Court Case No. 12-C-0549

Dear Council Members:

Enclosed is a resolution recommending settlement of the above-referenced lawsuit, which we ask be introduced and referred to the Committee on Judiciary and Legislation for their recommendation. We respectfully request that this resolution be scheduled for consideration in closed session by the Committee at its regularly scheduled meeting on October 7, 2013, and by the full Common Council at its regularly scheduled meeting on October 15, 2013.

This lawsuit was filed by the firm of Mauck & Baker of Chicago, Illinois on behalf of the plaintiffs, Harvest Covenant Church and Pastor Darnell D. Robinson. It alleges that the City of Milwaukee violated the provisions of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq., the United States and Wisconsin Constitutions, and Wisconsin law when it denied a special-use permit for the establishment of a religious assembly (church) at the premises located at 7127 West Lisbon Avenue. The plaintiffs' complaint seeks injunctive and declaratory relief, compensatory and punitive damages, and reasonable attorney's fees pursuant to 42 U.S.C. § 1988. This provision does specifically apply to actions arising under both federal civil rights law and RLUIPA.

As a consequence of extended discussions between the parties, the plaintiffs have agreed to settle all of their claims for the amount of \$191,000.00. Additionally, the parties have agreed that the most appropriate zoning classification for the Harvest

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Covenant Church at the above premises would be that of a legal nonconforming special use, as defined by pertinent provisions of the Zoning Code.

The City Attorney recommends settlement of this lawsuit on the above terms as being in the best interests of the City. We would be pleased to meet with the Committee to further discuss the basis for this recommendation.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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enclosures
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