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June 3, 2010

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

Re: Substitute Resolution to Approve Settlement Agreement in the matter of
Milwaukee Gay Arts Center, Inc. v. City of Milwaukee, et al, United States
District Court for the Eastern District of Wisconsin, Case No. 08-C-0958

Council file number 100181

Dear Council Members:

Enclosed is a substitute resolution to fill file number 100181 entitled Resolution to approve the settlement agreement in the matter of *Milwaukee Gay Arts Center, Inc. v. City of Milwaukee, et al*, United States District Court for the Eastern District of Wisconsin, Case No. 08-C-0958. We understand that the resolution has been referred to the Judicial and Legislative Committee.

The litigation is related to events in August 2005 when the Milwaukee Gay Arts Center, Inc. produced a theatrical performance known as *Naked Boys Singing*. The show was closed because the organization did not have a license which the City believed was required under Milwaukee Code of Ordinances, Sec.83-1. It was subsequently found that the organization could be exempt from the theatre license requirement of the ordinance due to non-profit status. The proposed settlement agreement settles all claims and damages for a total payment of \$20,000.

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We request that the Committee meet in closed session for purposes of discussing the terms of the settlement, and the underlying litigation, and reconvene in open session to take action.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
Assistant City Attorney
Enc.

MRH/MRH
1032-2008-3506

C(w/enc):

Ronald Leonhardt, City Clerk
Bruce D. Schimpf, Assistant City Attorney