

June 17, 2005

To the Honorable Committee
on Judiciary and Legislation of the
Common Council of the City of Milwaukee
Room 205 – City Hall

Re: Phil Tolkan Leasing Co., Inc. v. City of Milwaukee
Case No. 04-CV-007572

Dear Committee Members:

Attached is an original resolution for your consideration, which would authorize settlement of the above-noted lawsuit. We make the following recommendation related to the proposed settlement:

This case involves a 2000 Land Rover truck that was reported to the Milwaukee Police Department as stolen on January 18, 2002 from Prestige Automotive Group on West Silver Spring Drive. On February 10, 2002 the vehicle was recovered by the City of Chicago Police Department. They notified the Milwaukee Police Department via teletype of the vehicle recovery. The Milwaukee Police Department procedures require that once they are notified by an outside jurisdiction of the recovery of the stolen vehicle, they must contact the listed owner in Milwaukee to inform them of the recovery and determine the disposition of the case. In this case, when the Milwaukee Police Department was notified that the vehicle was recovered in Chicago, they failed to notify the listed owner of the truck, Phil Tolkan Leasing Company, Inc. As a result, the truck was eventually sold by the City of Chicago at auction.

The value of the vehicle was determined by a sales transaction on November 6, 2001, when Phil Tolkan Leasing Company, Inc. purchased the truck for \$50,000.

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Phil Tolkan Leasing Company has agreed to settlement of this matter for \$45,000. Because there are no appeal issues and a negotiated settlement is favorable to the City, we recommend payment of this proposed amount. The proposed original resolution reflects this recommendation and is provided for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

GFL:MGT:enm
Encs.

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