

L I N D N E R



Winning strategies for employers since 1908

M A R S A C K

ATTORNEYS AT LAW

Milwaukee

411 E Wisconsin Ave

Suite 1800

Milwaukee, WI 53202-4498

P: 414-273-3910

F: 414-273-0522

February 1, 2024

**TO THE HONORABLE MEMBERS OF THE COMMON  
COUNCIL OF THE CITY OF MILWAUKEE**

Room 205 – City Hall

200 E. Wells Street

Milwaukee, WI 53202

[www.lindner-marsack.com](http://www.lindner-marsack.com)

Additional offices in  
Madison and Manitowoc

ATTORNEYS AT LAW

***Re: Equal Rights Division Case No. CR202200320 entitled Naomi Gehling v. City of Milwaukee (City Attorney's Office) – Proposed Global Settlement with Non-Admissions Provisions by the City of Milwaukee with a Release for all allegedly involved City Officials, deputies, employees, and others.***

Dear Council Members:

Enclosed please find a proposed resolution detailing settlement of the above referenced matter, as well as a fiscal impact statement. As counsel designated by the Office of the City Attorney, due to a conflict of interest, and approved by the Judiciary & Legislative Committee, I offer this matter for consideration and ask that it be assigned before the Judiciary & Legislative Committee to an open session in order to act upon it.

Ms. Gehling sued the City alleging a violation of the Wisconsin Fair Employment Act, WIS. STAT. § 111.39 *et seq.*, which is being litigated in the Equal Rights Division ("ERD"). Ms. Gehling also has the right to withdraw this matter from the ERD and sue the City in the Eastern District of Wisconsin federal district court for the alleged violations under Title VII of the Civil Rights Act of 1964, as amended to date.

Because the costs of this litigation continue, I, as approved outside counsel to the City, suggest that the attached resolution provides the City with a comparatively expeditious and cost-effective financial end to this litigation in the amount of \$40,000 inclusive of fees and costs that would end this matter. An appropriate resolution has been enclosed for your convenience.

While I feel the City's factual and legal defenses are strong including, but not limited to, the denials asserted by the City Attorney himself, and that the City would ultimately prevail, I believe this Resolution provides the City with an opportunity to avoid further expense and, in an unlikely worst case scenario, risk of a future adverse judgment.

Employment Litigation

Collective Bargaining &  
Contract Administration

Practice before the National  
Labor Relations Board

Worker's Compensation  
Defense

Employment Counseling &  
Litigation Avoidance

Employee Benefits law

Business Immigration law

FMLA, FLSA, WARN &  
OSHA Compliance

Workplace Training

Daniel J. Finerty

Phone: (414) 226-4807

Email: [dfinerty@lindner-marsack.com](mailto:dfinerty@lindner-marsack.com)

**L I N D N E R**

**&**

**M A R S A C K**

ATTORNEYS AT LAW

February 1, 2024

To the Honorable Members of the Common Council of the City of Milwaukee

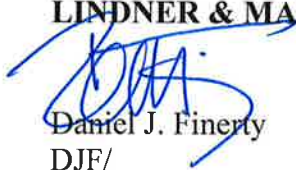
RE: ERD Case No. CR2022000320

Page 2

I submit the foregoing as outside counsel designated to act in the best interests of the City in this matter per the Resolution attached and ask the Common Council consider passage. Thank you.

Very truly yours,

**LINDNER & MARSACK, S.C.**

  
Daniel J. Finerty  
DJF/

Enclosures

cc: S. Todd Farris, Deputy City Attorney (w/enclosures)  
Office of the City Attorney