

LRB-FISCAL REVIEW SECTION ANALYSIS

**JUDICIARY AND LEGISLATION COMMITTEE
JULY 29, 2002**

**ITEM 2, FILE # 020609
MARK A. RAMION**

File # 020609 is a resolution authorizing the transfer of funds within the Outside Counsel/Expert Witness Special Purpose Account from *Bradley DeBraska, et al. v. City of Milwaukee*, U.S. District Court, Eastern District of Wisconsin Case No. 96-C-402 (FLSA Case) to *Continental Insurance Company, et al. v. Federal Marine Terminals v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 01-CV-008164.

Background

1. This resolution authorizes the transfer of funds with the Outside Counsel/Expert Witness Special Purpose Account (SPA) from *DeBraska, et al. v. City of Milwaukee*, Case No. 96-C-402 (FLSA Case) to *Continental Insurance Company, et al. v. Federal Marine Terminals v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 01-CV-008164.
2. Funds requested for transfer in this resolution were reserved for the *DeBraska, et al.* case (\$25,000) and are no longer required.

Discussion

1. The Continental Insurance case involves multiple claims against the City of Milwaukee for damage to steel cargos stored at the Port of Milwaukee. Two separate instances of water damage occurred on April 12, 1999 and December 15-18, 2000.
2. The city is being sued by the owners of the steel cargos and by Federal Marine Terminals, Inc by way of a third party complaint.
3. As this case involves issues associated with insurance and maritime law, the city has retained the firm of Pretzel and Stouffer Chtd. of Chicago, IL to provide assistance in this matter.

Fiscal Impact

On July 25, 2002, the 2002 Outside Counsel/Expert Witness Special Purpose Account had a balance of \$241,043.36. As this resolution is an internal transfer, there is no fiscal impact upon the stated balance of this SPA.

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LRB-Fiscal Review Section
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