



Legislation Details (With Text)

**File #:** 081333      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/16/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:** 2/10/2009

**Effective date:**

**Title:** Substitute resolution to approve settlement agreement in the matter of John M. Kastner v. City of Milwaukee, Case No. CR200602633, Equal Rights Division, Department of Workforce Development for the State of Wisconsin.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, LITIGATION, SUITS PAYMENT, SUITS SETTLEMENT

**Attachments:** 1. Fiscal Note, 2. Explanation by the City Attorney's Office, 3. Cover Letter, 4. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/27/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/27/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/27/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/28/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/28/2009	1	CITY CLERK	DRAFT SUBMITTED		
2/2/2009	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
2/10/2009	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/17/2009	1	MAYOR	SIGNED		

081333  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution to approve settlement agreement in the matter of *John M. Kastner v. City of Milwaukee*, Case No. CR200602633, Equal Rights Division, Department of Workforce Development for the State of Wisconsin.

This resolution authorizes settlement of litigation pending in the Equal Rights Division of the Department of Workforce Development for the State of Wisconsin entitled *John M. Kastner v. City of Milwaukee*, Case No. CR200602633 and all related claims by the plaintiff in that action in the amount of Twenty Six Thousand Five Hundred and no/100 Dollars (\$26,500.00) for all damages of any nature, including compensatory and punitive damages, back pay, front pay, pension loss or other economic damages, attorneys fees and costs, and any other claim for damages that could be brought concerning the subject matter of the litigation.

Whereas, John M. Kastner filed the above captioned complaint claiming age discrimination in connection with his failure to be hired by the City of Milwaukee as an Elevator Inspector I; and  
Whereas, The parties have agreed to settle this lawsuit in the amount of Twenty Six Thousand Five

Hundred and no/100 (\$26,500.00) dollars, for all damages, wage loss, front pay, pension loss or other benefits, attorney fees, costs, compensatory damages, punitive damages and any other claims for damages of any nature that could have been brought, as set for in a written Settlement Agreement and General Release; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it is expeditious and just to settle this lawsuit; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney be and hereby is authorized to execute the Settlement Agreement and any further documents necessary to fully settle the claim; and, be it

Further Resolved, That upon execution of the general release by the plaintiff, as approved by the City Attorney, the proper City officers be and hereby are authorized and directed to issue City checks as follows: To John M. Kastner, the sum of Ten Thousand and no/100 Dollars (\$10,000) as damages; and to James J. Carrig, Niebler, Pyzak, Roth & Carrig, LLP, the sum of Sixteen Thousand Five Hundred and no/100 Dollars (\$16,500) as attorney fees and costs; and, be it

Further Resolved, That these funds shall be charged to the Damages and Claims Fund, Account No. 0001 1490 636506 2631 S118.

City Attorney

MRH:

January 28, 2009

1053-2006-1846.001:141957