



Legislation Details (With Text)

File #: 221024 **Version:** 0
Type: Resolution **Status:** Passed
File created: 11/1/2022 **In control:** COMMON COUNCIL
On agenda: **Final action:** 11/22/2022
Effective date:

Title: Resolution reserving and appropriating up to \$50,000.00 from the 2022 Common Council Contingent Fund to the 2022 Damages and Claims Fund Special Purpose Account and authorizing the settlement of the lawsuit entitled F.K., et al. v. City of Milwaukee, et al.; USDC Case No.: 21-CV-306.

Sponsors: THE CHAIR

Indexes: CONTINGENT FUND, SUITS PAYMENT, SUITS SETTLEMENT

Attachments: 1. Cover Letter, 2. Fiscal Impact Statement, 3. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
11/1/2022	0	COMMON COUNCIL	ASSIGNED TO		
11/14/2022	0	JUDICIARY & LEGISLATION COMMITTEE			
11/15/2022	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/22/2022	0	COMMON COUNCIL	ADOPTED	Pass	12:0
12/2/2022	0	MAYOR	SIGNED		

Number
221024
ORIGINAL

THE CHAIR

Resolution reserving and appropriating up to \$50,000.00 from the 2022 Common Council Contingent Fund to the 2022 Damages and Claims Fund Special Purpose Account and authorizing the settlement of the lawsuit entitled *F.K., et al. v. City of Milwaukee, et al.*; USDC Case No.: 21-CV-306.

This resolution reserves and appropriates up to \$50,000.00 from the 2022 Common Council Contingent Fund to the 2022 Damages and Claims Fund Special Purpose Account and authorizes the settlement of the lawsuit entitled *F.K., et al. v. City of Milwaukee, et al.*; USDC Case No.: 21-CV-306 for the total amount of \$50,000.00.

Whereas, Plaintiff, F.K., by her Guardian ad Litem, William Sulton filed a lawsuit against the City of Milwaukee and several members of the Milwaukee Police Department, alleging unlawful seizure, due process violations and negligence. On November 12, 2018, four-year old F.K. was sleeping in the back of her mother’s minivan when her mother was arrested by City of Milwaukee Police Officers for an OWI offense. The vehicle was towed to the Milwaukee City Tow Lot with F.K. still sleeping in the back of the van. The temperature was freezing and it is estimated that F.K. was in the vehicle for seven hours prior to being found by a tow lot attendant.

Whereas, Counsel for the parties have reached agreement to settle the above-referenced lawsuit for a total amount of \$50,000.00 subject to approval by the Common Council; and

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

Resolved, By the Common Council of the City of Milwaukee, that up to \$50,000.00 from the 2022 Common Council Contingent Fund (0001-9990-C001-006300) is reserved and appropriated to the 2022 Damages & Claims Fund (0001-1490-S118-006300); and be it

Further Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$50,000.00, payable to the order of Gingras, Thomsen & Wachs, S.C. Client Trust Account as soon as practicable, said amount to be charged to the Damages and Claims Fund, Account No. 0001-1490-S118-006300; and be it

Further Resolved, That for and in consideration of the above-referenced payments, the plaintiff, by their representatives, and their attorneys, will provide to the City a release of any and all claims arising out of or in any way related to this incident.

City Attorney

SM:amm

October 26, 2022

1032-2021-146.001:282378