



Legislation Details (With Text)

File #: 160452 **Version:** 0
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Effective date:

Title: Resolution of settlement, including attorney's fees and an offset of past due real estate taxes, to Plaintiff Essie Phifer in litigation entitled *Essie Phifer v. City of Milwaukee*.

Sponsors: THE CHAIR

Indexes: MUNICIPAL LIABILITY

Attachments: 1. City Attorney Letter

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|-----------------------------------|--------------------------|--------|-------|
| 7/6/2016 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 7/18/2016 | 0 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 5:0 |
| 7/26/2016 | 0 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 8/3/2016 | 0 | MAYOR | SIGNED | | |

160452
ORIGINAL

THE CHAIR

Resolution of settlement, including attorney's fees and an offset of past due real estate taxes, to Plaintiff Essie Phifer in litigation entitled *Essie Phifer v. City of Milwaukee*.

This resolution authorizes the settlement in the amount of \$7,633.00 made payable, in part, to Richard A. Check on behalf of plaintiff Essie Phifer in full and final settlement of all claims for attorney's fees, costs, expenses and alleged damages as set forth below and payable, in part, to the City of Milwaukee to be applied as an offset of Ms. Phifer's past due real estate taxes to be applied to her oldest delinquent balance.

Whereas, Plaintiff filed an adversary proceeding against the City of Milwaukee in the United States Bankruptcy Court for the Eastern District of Wisconsin entitled *Essie Phifer v. City of Milwaukee*, Adversary No. 15-2554; and

Whereas, Plaintiff and the City of Milwaukee conducted settlement discussions for all of the attorney's fees and alleged damages totaling \$7,633.00; and

Whereas, The City Attorney recommends that the City of Milwaukee make payment for the amount of Plaintiff's attorney's fees in the amount of \$7,133.00 and for Plaintiff's alleged damages in the amount of \$500.00; and

Whereas, Plaintiff, Essie Phifer, has an outstanding property tax debt in excess of \$2,000.00; and

Whereas, The \$500.00 amount for Plaintiff's alleged damages will be made payable to the City of Milwaukee and applied as an offset of her past due real estate taxes to be applied to her oldest delinquent balance; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney is authorized to enter into a settlement agreement between the City of Milwaukee and Plaintiff referred to herein and to execute and approve all documents and take all action necessary to carry out the terms and conditions of said agreement; and be it

Further Resolved, By the Common Council of the City of Milwaukee that in compliance with the City Attorney's direction, the proper City officers be and hereby are authorized and directed to issue City checks as follows, as soon as practicable in full and final settlement of the claims as outlined in the above-referenced lawsuit, to be charged to the damages and claims fund, Account No. 0001-1490-S118-006300; the sum of \$7,133.00 made payable to Attorney Richard A. Check; and the sum of \$500.00 made payable to the City of Milwaukee to be paid to the Treasurer's Office and expended as an offset of Essie Phifer's past due real estate taxes to be applied to her oldest delinquent balance.

City Attorney
Nicholas DiSiato
July 1, 2016
229954/1060-2015-2722