



Legislation Details (With Text)

File #: 171646 **Version:** 0
Type: Resolution **Status:** Passed
File created: 2/6/2018 **In control:** COMMON COUNCIL
On agenda: **Final action:** 2/27/2018

Effective date:

Title: Resolution of settlement, including attorney’s fees and the return of municipal judgments paid through the claims process, to Plaintiffs Donald Mulder, et al in litigation entitled Donald Mulder, et al v. City of Milwaukee in the amount totaling \$74,400.

Sponsors: THE CHAIR

Indexes: CLAIMS

Attachments: 1. Common Council Letter.pdf, 2. Fiscal Impact Statement.pdf

Date	Ver.	Action By	Action	Result	Tally
2/6/2018	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2018	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/8/2018	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/19/2018	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/27/2018	0	COMMON COUNCIL	ADOPTED	Pass	15:0
3/8/2018	0	MAYOR	SIGNED		

171646
ORIGINAL

THE CHAIR

Resolution of settlement, including attorney’s fees and the return of municipal judgments paid through the claims process, to Plaintiffs Donald Mulder, et al in litigation entitled *Donald Mulder, et al v. City of Milwaukee* in the amount totaling \$74,400.

This resolution authorizes the settlement in the amount of \$74,400. made payable to Law Office of Adele D. Nicholas on behalf of plaintiffs Donald Mulder, et al (11 in total) in full and final settlement of all claims for attorney’s fees, costs and alleged damages as set forth below. In addition, this resolution authorizes suspending sentence on any outstanding judgments for MCO 106-51 ordinance violations, vacating any municipal court payment plans and allowing the repayment of previously paid judgments through our claims process.

Whereas, Plaintiffs originally sued the City of Milwaukee in federal court at the United States Eastern District (*Donald Mulder, et al. v. City of Milwaukee*, case no. 17-CV-732) on claims that MCO 106-51 (residency restrictions for sex offenders) was unconstitutional on three grounds: ex post facto, equal protection and procedural due process. Four months later, Plaintiffs filed an Amended Complaint seeking a class action as well as a motion for a preliminary injunction; and,

Whereas, Plaintiffs and the City of Milwaukee conducted settlement discussions for all of the attorney's fees, costs and alleged damages totaling \$74,400., as well as suspending sentence on any outstanding judgments for MCO 106-51 ordinance violations, vacating any municipal court payment plans and allowing the repayment of previously paid judgments through our claims process; and

Whereas, The City Attorney recommends that the City of Milwaukee makes payment for the amount of Plaintiffs' attorney's fees in the amount of \$52,000., for Plaintiffs' alleged damages in the amount of \$22,000. (\$2,000. per each of the 11 named plaintiffs), for Plaintiffs' costs in the amount of \$400 (filing fees) and for allowing the repayment of previously paid judgments through our claims process (approximately \$36,761.78 if every defendant pursued this process); and,

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 Plaintiffs 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 a City check 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 \$74,400. made payable to Law Office of Adele D. Nicholas.

City Attorney
NPD
February 6, 2018
1081-2017-1148/246855