



Legislation Text

File #: 100181, **Version:** 1

100181
SUBSTITUTE 1
THE CHAIR

Substitute resolution to approve the settlement agreement in the matter of *Milwaukee Gay Arts Center, Inc. v. City of Milwaukee, et al*, United States District Court for the Eastern District of Wisconsin, Case No. 08-C-0958.

This resolution authorizes settlement of litigation pending in the United States District Court for the Eastern District of Wisconsin entitled, *Milwaukee Gay Arts Center, Inc. v. City of Milwaukee, et al*, Case No. 08-C-0958, in the amount of Twenty Thousand and no/100 Dollars (\$20,000) for all damages of any nature, including consequential damages, lost profits or other economic damages, punitive damages, interest, attorneys fees and costs, and any other claim for damages that could be brought concerning the subject matter of the litigation.

Whereas, The Milwaukee Gay Arts Center, Inc. filed a complaint in the United States District Court for the Eastern District of Wisconsin, Case Number 08-C-0958, against the City of Milwaukee, John D. Kaltenbrun, Robert Stelter, Chester R. Ulickey, Daniel Wilcox, Rebecca Grill and Jane Jansen, alleging that its First Amendment rights to freedom of speech and expression had been violated by application of the Milwaukee Code of Ordinance 83-1; and

Whereas, The defendants deny any and all liability, and the District Court entered a decision and order finding that the Milwaukee Gay Arts Center, Inc. did not have standing to challenge the constitutionality of the ordinance on its face, but could proceed with its amended complaint to challenge the application of the ordinance to it in the past; and

Whereas, The Milwaukee Gay Arts Center, Inc. has agreed to settle all its claims for a total amount of Twenty Thousand and no/100 Dollars (\$20,000), for all damages, interest, attorney fees, costs, or other claims for damages of any nature that could have been brought, as set for the in the attached proposed Settlement Agreement and Mutual Release; 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 attached Settlement Agreement and Mutual Release, and such further documents as may be necessary and related thereto; and, be it

Further Resolved, That upon execution of the Settlement Agreement and Mutual Release, in a form approved by the City Attorney, the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$20,000 to the Milwaukee Gay Arts Center, Inc. ; 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:mhr

June 3, 2010

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