



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Legislation Text

File #: 000366, Version: 1

SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing settlement of the lawsuit entitled Gill, et al. v. City of Milwaukee, et al., Case No. 98-CV-008170
_____ -Analysis-

This substitute resolution authorizes settlement of the lawsuit of Gill, et al. v. City of Milwaukee, et al. in the amount of \$55,279.

Whereas, The plaintiffs, Edward Gill III and Kathy Gill, have filed a lawsuit against the City of Milwaukee seeking damages in an unspecified amount; and

Whereas, The deaths giving rise to this lawsuit occurred prior to an amendment of Wisconsin's wrongful death law which increased the pertinent recovery limitation from \$150,000 to \$500,000; and

Whereas, The state legislature, in enacting the previously noted amendment directed that it apply to actions commenced after the effective date of the law; and

Whereas, The plaintiffs, Edward Gill III and Kathy Gill, filed their action after the effective date of the amendment; and

Whereas, The Wisconsin Supreme Court has recently concluded that the newly-enacted limitation cannot constitutionally be applied to deaths occurring before the effective date in the change of the law; and

Whereas, The plaintiffs have agreed to settle their lawsuit in the amount of \$55,279 if the Wisconsin Supreme Court rules that the prior damages limitation must apply to such cases; 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 the proper City officers be and hereby are authorized and directed to issue a City check for a total amount of \$55,279, payable to the order of the Trust Account of Warshafsky, Rotter, Tarnoff, Reinhardt & Bloch, S.C., in full and final settlement of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney, said amount to be charged to the Damages and Claim Fund, Account No. -636506, Fund-0001, Organization-1490, Program-2631, Sub Class-S118.

City Atty.
JAS:jg
July 14, 2000

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