



## Legislation Text

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**File #: 220912, Version: 1**

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220912  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution approving an agreement between the City and Halling & Cayo. S.C. for legal services and representation relating to the recovery of PCB-related damages.

This resolution approves an agreement between the City and Halling & Cayo. S.C. for outside legal counsel to provide legal services to the City of Milwaukee and the Milwaukee Metropolitan Sewerage District in relation to the defendants in the case entitled City of Long Beach, et al. v. Monsanto Company, et al. The Milwaukee Metropolitan Sewerage District was not a part of this settlement and the City chose to opt out of the agreement, and are therefore free to pursue legal action on their own. Whereas, Section 604-23 of the Code allows the Common Council to authorize retention of a law firm outside of the City Attorney's permanent staff, pursuant to a written agreement; and

Whereas, A California federal judge recently approved a \$550 million class settlement against Bayer AG's Monsanto Co. and subsidiaries of Pfizer and Eastman Chemical brought by Long Beach and other local governments to resolve allegations that the localities face increased costs due to Monsanto's contamination of waterways with polychlorinated biphenyls; and

Whereas, The Milwaukee Metropolitan Sewerage District was not a member of the class and thereby not subject to the settlement; and

Whereas, The City of Milwaukee chose to opt out of the proposed settlement; and

Whereas, The City of Milwaukee desires to retain Halling & Cayo. S.C. to investigate the claim, and provide advice, counsel, and representation with regards to this matter; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney is authorized to retain outside counsel from the law firm of Halling & Cayo. S.C., to advise and provide legal services and representation of the City in relation to the recovery of PCB-related damages from the defendants in City of Long Beach, et al. v. Monsanto Company, et al., Case No. 2:16-vc-03493-FMO-AS (C.D. Cal); and, be it

Further Resolved, That the Office of the City Attorney is authorized to execute a Contract for Legal Services with Halling & Cayo. S.C., substantially in the form of the contract attached to this file; and, be it

Further Resolved, Payment to the Halling & Cayo. S.C. shall be on a contingent fee basis of 33% of the gross amount recovered in the Matter by settlement or judgment, or 40% if an appeal is necessary; and, be it

Further Resolved, The initial \$32,024.47 in costs shall be the sole responsibility of Milwaukee Metropolitan Sewerage District, and thereafter, out-of-pocket costs shall be shared equally.

City Attorney's Office  
LRB 177653-1  
Christopher Hillard  
10/20/2022