



## Legislation Text

---

**File #:** 210337, **Version:** 0

---

210337  
ORIGINAL

### THE CHAIR

Resolution authorizing settlement of claims in the lawsuit entitled *David Nickel v. City of Milwaukee*, ED Wis. Case No. 17-CV-177.

This resolution authorizes a settlement payment in the lawsuit *David Nickel v. City of Milwaukee*, ED Wis. Case No. 17-CV-177 in the amount of \$90,000.00.

Whereas, The plaintiff, David Nickel, filed a federal FMLA lawsuit against the City of Milwaukee seeking damages for alleged violations of his rights to take leave under the FMLA related to his separation from employment in February 2014; and

Whereas, The plaintiff has agreed to settle his claims against the City of Milwaukee through a settlement agreement providing for payment of the total amount of \$90,000.00; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay a settlement of the claims against it and its officers in this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are directed to issue two checks in this matter; the first in the amount of \$60,000.00 payable to the order of David Nickel; the second in the gross amount of \$30,000.00, less any and all applicable payroll taxes. These payments are to be made in full and final settlement of all monetary damages sought in this lawsuit, including reasonable attorney's fees and costs, on receipt of a Settlement Agreement and Release, approved as to form and execution by the City Attorney; and be it

Further resolved, That \$50,000.00 of said amount to be charged to the Enterprise Resource Management, Account No. 006300, Fund No. 0001, Organization No. 1510, Program No. 0206, Sub Class No. R158; \$40,000.00 of said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118; and an additional \$2,295.00 shall be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118 for the purpose of payment of employer payroll taxes; and be it

Further Resolved, That Common Council File Number 201405 is rescinded.  
City Attorney

RAP

February 8, 2021