



Legislation Text

File #: 021292, **Version:** 1

021292

SUBSTITUTE

THE CHAIR

Substitute resolution approving a partial settlement agreement in *Rehrauer, et al. v. City of Milwaukee, et al.*, Circuit Case No. 90-CV-7745.

This resolution approves a partial settlement in which the case of *Rehrauer, et al. v. City of Milwaukee, et al.*, Circuit Case No. 90-CV-7745.

Whereas, In *Rehrauer, et al. v. City of Milwaukee, et al.*, Circuit Case No. 90-CV-7745, each named plaintiff brought an action alleging that their rights had been violated by the ordinances of the City in connection with their rights with respect to duty disability retirement benefits; and

Whereas, James A. Rehrauer, James D. Prestidge, Glenn W. Schneeberg, Roger L. O'Brien and Glenn A. Dickau appealed from the Circuit Court's grant of summary judgment in favor of the defendants; and.

Whereas, On appeal, in Case No. 00-20900-2090, the Court of Appeals, District I, reversed the Circuit Court and remanded the case back to the Circuit Court with directions; and

Whereas, On August 30, 2001, the Circuit Court ordered that declaratory judgment be granted in favor of each plaintiff-appellant, granting each plaintiff-appellant the highest level of duty disability benefits that came to contractually established during their term of active duty; and

Whereas, As a result, the plaintiff-appellants Rehrauer, Schneeberg and O'Brien have been reinstated to a duty disability retirement pension; the plaintiff-appellant Prestidge will be instated upon execution of this agreement, to a duty disability retirement pension; and the plaintiff-appellant Dickau is on duty disability retirement pension and has never been removed from duty disability retirement pension; and

Whereas, The parties have negotiated a settlement to provide each of the plaintiff-appellants specific supplemental relief without the need for further court proceedings, and this partial settlement agreement does not address the issue of the plaintiff-appellants' attorney fees, which will be addressed through further court proceedings; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the settlement agreement entered

into between the plaintiffs' counsel and the City Attorney on behalf of the defendant be and hereby is approved and that the City Attorney is authorized to proceed with the implementation of such settlement; and, be it

Resolved, That the proper city officers be and hereby are authorized and directed to deliver a check payable to the plaintiff-appellant Rehrauer, no later than March 3, 2003, as the City's contribution per the settlement agreement, in an amount not to exceed \$38,753.36, representing the sum of \$36,921.34, plus additional interest at 5% per annum simple from November 30, 2002 to the date of payment, plus any healthcare insurance premiums deducted subsequent to October, 2002, plus interest at 5% per annum simple on same. Such check shall be drawn from the Health Insurance Claim Account, no. 613001-0001-1654-1613-S114, and delivered upon receipt of properly executed releases approved by the City Attorney; and, be it

Resolved, That the proper city officers be and hereby are authorized and directed to deliver a check payable to the plaintiff-appellant Schneeberg, no later than March 3, 2003, as the City's contribution per the settlement agreement, in an amount not to exceed \$62,291.49, representing the sum of \$60,540.51, plus additional interest at 5% per annum simple from November 30, 2002 to the date of payment, plus any healthcare insurance premiums deducted subsequent to October, 2002, plus interest at 5% per annum simple on same. Such check shall be drawn from the Health Insurance Claim Account, no. 613001-0001-1654-1613-S114, and delivered upon receipt of properly executed releases approved by the City Attorney; and, be it

Resolved, That the proper city officers be and hereby are authorized and directed to deliver a check payable to the plaintiff-appellant O'Brien, no later than March 3, 2003, as the City's contribution per the settlement agreement, in an amount not to exceed \$8,486.73, representing the sum of \$7,689.04, plus additional interest at 5% per annum simple from November 30, 2002 to the date of payment, plus any healthcare insurance premiums deducted subsequent to October, 2002, plus interest at 5% per annum simple on same. Such check shall be drawn from the Health Insurance Claim Account, no. 613001-0001-1654-1613-S114, and delivered upon receipt of properly executed releases approved by the City Attorney; and, be it

Further Resolved, That the proper city officers be and hereby are authorized and directed to deliver a check payable to the plaintiff-appellant Prestidge, no later than March 3, 2003, as the City's contribution per the settlement agreement, in an amount not to exceed \$40,030.66, representing the sum of \$38,053.79, plus additional interest at 5% per annum from November 30, 2002 to the date of payment, plus any healthcare insurance premiums deducted subsequent to October, 2002, plus interest at 5% per annum simple on same. Such check shall be drawn from the Health Insurance Claim Account, no. 613001-0001-1654-1613-S114, and delivered upon receipt of properly executed releases approved by the City Attorney.

City Attorney
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January 10, 2003
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