



Legislation Details (With Text)

File #:	160292	Version:	0
Type:	Resolution	Status:	Passed
File created:	6/14/2016	In control:	COMMON COUNCIL
On agenda:		Final action:	7/6/2016
Effective date:			
Title:	Resolution authorizing payment of judgment plus interest awarded to plaintiff Ferol, LLC and payment of judgment awarded to plaintiff Six Star Holdings LLC in litigation entitled Six Star Holdings, LLC and Ferol, LLC v. City of Milwaukee, and authorizing the court-mediated settlement of related attorney's fees.		
Sponsors:	THE CHAIR		
Indexes:	MUNICIPAL LIABILITY		
Attachments:	1. City Attorney Letter		

Date	Ver.	Action By	Action	Result	Tally
6/14/2016	0	COMMON COUNCIL	ASSIGNED TO		
6/21/2016	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/27/2016	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:1
7/6/2016	0	COMMON COUNCIL	ADOPTED	Pass	14:1
7/14/2016	0	MAYOR	SIGNED		

160292
ORIGINAL

THE CHAIR

Resolution authorizing payment of judgment plus interest awarded to plaintiff Ferol, LLC and payment of judgment awarded to plaintiff Six Star Holdings LLC in litigation entitled *Six Star Holdings, LLC and Ferol, LLC v. City of Milwaukee*, and authorizing the court-mediated settlement of related attorney's fees.

This resolution authorizes the payment of judgment awarded in United States District Court for the Eastern District of Wisconsin including interest in the amount of \$435,500.00 plus interest of \$2,830.75, totaling \$438,330.75 made payable to the Jeff Scott Olson Law Firm Trust Account on behalf of plaintiff Ferol, LLC, and \$1.00 nominal damages award to plaintiff Six Star Holdings, LLC made payable to the Jeff Scott Olson Law Firm Trust Account, and the settlement of the district court award of attorney's fees, expenses and costs and subsequent supplemental appellate attorney's fees petition in the amount of \$530,000.00 in full and final settlement of all claims for attorney's fees, costs, expenses as set forth below.

Whereas, Plaintiffs filed a civil rights lawsuit against the City of Milwaukee in the United States District Court for the Eastern District of Wisconsin entitled *Six Star Holdings, LLC and Ferol, LLC v. City of Milwaukee*, Case No. 10-CV-893 and, having judgment awarded for the plaintiffs in the district court

for damages plus interest totaling \$438,330.75, and the Seventh Circuit Court of Appeals affirming said judgment in Case No. 15-1608; and,

Whereas, Plaintiffs and the City of Milwaukee conducted a mediated settlement for all of the trial and appellate attorney's fees, costs and expenses totaling \$530,000.00 in Seventh Circuit Court of Appeals Case No. 15-3418; and,

Whereas, The City Attorney recommends that the City of Milwaukee make payment on the judgment amount plus interest and court-mediated settlement for attorney's fees, costs and expenses; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney is authorized to enter into a settlement agreement between the City of Milwaukee and the plaintiffs referred to herein and to execute and approve all documents and take all action necessary to carry out the terms and conditions of said agreement; and be it

Further Resolved, By the Common Council of the City of Milwaukee that in compliance with the City Attorney's direction, the proper City officers be and hereby are authorized and directed to issue City checks as follows, as soon as practicable in full and final settlement of the claims as outlined in the above-referenced lawsuit, to be charged to the damages and claims fund, Account No. 0001-1490-S118-006300; the sum of \$968,331.75 made payable to the Jeff Scott Olson Law Firm Trust Account for the \$435,500 damage judgment plus interest to plaintiff Ferol, LLC, \$1.00 for the nominal damages judgment to plaintiff Six Star Holdings, LLC; and, \$530,000.00 for a court-ordered mediation settlement of attorney's fees at the district and appellate court levels; and be it

Further resolved, that the funding of this settlement amount will be authorized by a resolution contemporaneously approved by the Common Council, and that the proper city officers are authorized to make the necessary transfers to the appropriate accounts or funds to dispense the settlement amount.

City Attorney
ABS/wt
June 7, 2016
1081-2010-2885/229176