



## Legislation Text

---

File #: 071302, Version: 1

---

071302  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution seeking Supreme Court review of the decision in *Albert Loth v. City of Milwaukee*, on appeal from the Milwaukee County Circuit Court.

This resolution states it is the City's position that the City should seek Supreme Court review of the decision in *Albert Loth v. City of Milwaukee*, and that the City retain the services of Alan Levy of Lindner & Marsack, S.C. for the purpose of seeking Supreme Court review in this matter.

Whereas, On July 25, 2002, the Common Council adopted Resolution Number 020479 requiring eligible management employees who retire after December 31, 2003, to pay for health insurance at the same premium cost as active management employees; and

Whereas, In January, 2006, Albert Loth, represented by James W. Greer of Whyte, Hirshboeck, Dudek, S.C. filed a lawsuit against the City claiming that retiree benefits for eligible management employees, regardless of the plan selected, would always be free; and

Whereas, On January 30, 2007, Hon. Patricia D. McMahon, Milwaukee County Circuit Court, Br. 18, ordered summary judgment in favor of Defendant City of Milwaukee and dismissed the matter in its entirety; and

Whereas, On December 27, 2007, the Court of Appeals reversed the order of Judge McMahon; and

Whereas, If the City does not seek Supreme Court review, the case will go back to the trial court for a determination of damages; and

Whereas, The City has retained Alan Levy of Lindner & Marsack, S.C. in this matter; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it is the City of Milwaukee's position that that the City should seek Supreme Court review of the decision in *Albert Loth v. City of Milwaukee*, Appeal Case No. 2007AP000587, on appeal from Milwaukee County Circuit Court Case No. 05-CV-011346, and that the City retain the services of Alan Levy of Lindner & Marsack, S.C. for the purpose of seeking Supreme Court review in this matter.

Department of Employee Relations  
LRB08017-2  
LCS  
1/10/08