



Legislation Text

File #: 201405, **Version:** 0

201405
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 be and are hereby authorized and directed to issue a City check in the amount of \$90,000.00 payable to the order of David Nickel, in full and final settlement of all monetary damages sought in this lawsuit, including reasonable attorney's fees and costs, on receipt of a Release of Claims, approved as to form and execution by the City Attorney, \$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; and \$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, be it

Further Resolved, That the funding of the 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 disburse the settlement amount.

City Attorney
RAP
February 8, 2021