



Legislation Text

File #: 221384, Version: 0

221384
ORIGINAL

THE CHAIR

Resolution relating to expert witness and outside counsel agreements in the matter of *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*.

This resolution authorizes payment in an amount not to exceed \$150,000 to Seibel Law Offices, LLC, Watson Millican, LLC, Landretti & Co., and Federal Appraisal, LLC, for expert services and legal services relating to the trial of U.S. Venture, Inc. and Citgo Petroleum Corp.'s claims against the City of Milwaukee for property tax refunds.

Whereas, On July 26, 2016, U.S. Venture brought a lawsuit against the City of Milwaukee to recover partial refund of property taxes paid for its oil terminal properties at Granville for tax year 2015; and

Whereas, Since July 26, 2016, the lawsuit has been amended and consolidated several times to include the claims of oil terminal owner Citgo Petroleum Corp. for tax years 2015 through 2020, with requested refunds totaling \$7,032,840.00 in this matter and an additional \$952,783 on a subsequent matter, such that the City's liability grows approximately \$1,000,000.00 per year; and

Whereas, On or about January 8, 2021, the City Attorney entered into a Contract for Legal Services between the City of Milwaukee and Seibel Law Offices, LLC, for legal services with respect to plaintiff's claim for property tax refunds in the defense and trial of the matter entitled *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and

Whereas, The City desires to have Seibel Law Offices, LLC continue providing legal services, so the City may defend against claims involving tax year 2020, defend against new arguments brought by Plaintiff, and prepare for and present at trial of tax claims for 2015-2020; and

Whereas, On or about September 9, 2019, the City Attorney entered into a Contract for Expert Services between the City of Milwaukee and Watson Millican, LLC for expert services with respect to plaintiff's claim for property tax refunds in the defense and trial of the matter entitled *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and

Whereas, The City desires to have Watson Millican LLC continue providing expert services, so the City may defend against claims involving tax year 2020, defend against new arguments brought by Plaintiff, and prepare for and testify at trial of tax claims for 2015-2020; and

Whereas, On or about August 16, 2021, the City Attorney entered into a Contract for Expert Services between the City of Milwaukee and Landretti & Co. for expert services with respect to plaintiff's claim for property tax refunds in the defense and trial of the matter entitled *U.S. Venture, Inc. and Citgo*

Petroleum Corp. v. City of Milwaukee, Milwaukee County Circuit Court Case No. 2016-CV-5637; and

Whereas, The City desires to have Landretti & Co. continue providing expert services, so the City may defend against claims involving tax year 2020, defend against new arguments brought by Plaintiff, and prepare for and testify at trial of tax claims for 2015-2020; and

Whereas, On or about September 30, 2021, the City Attorney entered into a Contract for Expert Services between the City of Milwaukee and Federal Appraisal, LLC., for expert services with respect to plaintiff's claim for property tax refunds in the defense and trial of the matter entitled *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and

Whereas, The City desires to have Federal Appraisal, LLC continue providing expert services, so the City may defend against claims involving tax year 2020, defend against new arguments brought by Plaintiff, and prepare for and testify at trial of tax claims for 2015-2020; and

Whereas, The total cost of expert services as stated above will exceed the prior agreed amounts in order to get the matter through the trial to be scheduled for a date in 2023; and

Whereas, The City desires to pay Seibel Law Offices, LLC, Watson Millican, LLC, Landretti & Co., and Federal Appraisal, LLC, for the reasonable costs of their expert and legal services; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is authorized to execute the Second Amendment to Contract for Legal Services between City of Milwaukee, Wisconsin and Seibel Law Offices, LLC for legal services rendered in the defense and trial of *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and, be it

Further Resolved, that the City Attorney is authorized to execute the Third Amendment to Contract for Expert Services between City of Milwaukee, Wisconsin and Watson Millican, LLC for expert services rendered in the defense and trial of *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and, be it

Further Resolved, That the City Attorney is authorized to execute the Second Amendment to Contract for Expert Services between City of Milwaukee, Wisconsin and Landretti & Co. for expert services rendered in the defense and trial of *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and, be it

Further Resolved, That the City Attorney is authorized to execute the Second Amendment to Contract for Expert Services between City of Milwaukee, Wisconsin and Federal Appraisal, LLC for expert services rendered in the defense and trial of *U.S. Venture, Inc. and Citgo Petroleum Corp. v. City of Milwaukee*, Milwaukee County Circuit Court Case No. 2016-CV-5637; and, be it

Further Resolved, That an amount not to exceed \$150,000 is appropriated from the City Attorney's Office Counsel Expert Witness Special Purpose Account Number 0001-1490-S157-06300 for retaining outside counsel and expert witnesses; and, be it

Further Resolved, That the Office of the City Attorney is directed to expend up to \$150,000 from this account for this purpose.

City Attorney
HRJahn:
December 15, 2022