



## Legislation Text

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File #: 231600, Version: 1

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231600  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution approving the settlement of the lawsuit entitled *Naomi Gehling v. City of Milwaukee*, Equal Rights Division Case No. CR202200320, cross-filed with the U.S. Equal Employment Opportunity Commission as Charge No. 26G202200485 and appropriating funds for this purpose.

This resolution authorizes settlement of claims raised by Complainant Naomi Gehling in the Equal Rights Division (ERD) complaint, cross-filed charge with the U.S. Equal Employment Opportunity Commission (EEOC), and potential federal court action, entitled *Naomi Gehling v. City of Milwaukee*, ERD Case No. CR202200320, cross-filed with the EEOC as Charge No. 26G202200485, in the amount of \$40,000. The resolution also appropriates the necessary funds from the Damages and Claims Fund Special Purpose Account.

Whereas, Naomi Gehling filed *Naomi Gehling v. City of Milwaukee*, ERD Case No. CR202200320, on January 31, 2022, alleging she was subject to discrimination based on sex and retaliation for having opposed discrimination in the workplace in violation of the Wisconsin Fair Employment Act between July 23, 2020, and October 1, 2021; and

Whereas, By virtue of the conflict of interest of the Office of the City Attorney, outside counsel Lindner & Marsack, SC, was proposed by the City Attorney and approved by the Judiciary and Legislation Committee to defend the complaint in this matter; and

Whereas, Counsel has advised the City's defenses in this matter are both factually and legally strong, including, but not limited to, the untimely filing by the Complainant beyond the 300-day deadline in s. 111.39(1), Wis. Stats.; and

Whereas, Counsel believes the City can ultimately prevail on its defenses at hearing or, alternatively, in federal court; and

Whereas, The City Attorney has advised Counsel that he vehemently denies the factual and legal allegations in the Complaint, and he strongly objects to any resolution of this matter, as it may cause others without legitimate claims to sue the City; and

Whereas, Counsel advised that while the strength of the various factual and legal defenses in this matter may warrant further defense, the City's decision to expeditiously settle this lawsuit at an early stage to mitigate and eliminate the ongoing costs of defense is reasonable; and

Whereas, The City's decision to resolve the complaint should in no way reflect negatively upon the City's defenses, the individuals involved, or the City Attorney himself, as the decision to resolve was financial in nature; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Lindner & Marsack, SC is authorized to settle the case *Naomi Gehling v. City of Milwaukee*, ERD Case No. CR202200320, for the amount of \$40,000; and, be it

Further Resolved, That up to \$40,000 shall be appropriated from the 2024 Damages and Claims Fund Special Purpose Account (006300 0001 1490 2632 S118) to pay this settlement; and, be it

Further Resolved, That those funds are to be utilized to issue the following checks to be mailed to Daniel Finerty, Lindner & Marsack, SC, 411 E. Wisconsin Ave., Suite 1800, Milwaukee, WI 53202, and will thereafter be mailed to the complainant's counsel in compliance with the settlement agreement:

- (1) \$20,000, without deductions, payable to Naomi Gehling for alleged compensatory damages the complainant has represented that she incurred.
- (2) \$10,000, less applicable employment tax deductions by the City, payable to Naomi Gehling.
- (3) \$10,000 payable to Fox & Fox, SC for attorney's fees and costs.

; and, be it

Further Resolved, That for and in consideration of this payment, the complainant, by her attorney, will provide to the City, through Lindner & Marsack, SC, a full and final release of any claims arising out of or in any way related to this incident releasing the City, the Office of the City Attorney, any and all deputies and City officials, supervisors, managers, and others who may have been involved and/or against whom a claim may theoretically be made.

City Attorney  
LRB179690-2  
Jeff Osterman  
02/13/2024