

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

**DATE:** April 7, 2014

**TO:** Marina Dimitrijevic, Chairwoman, County Board of Supervisors

**FROM:** Paul Bargren, Corporation Counsel  
Mark A. Grady, Deputy Corporation Counsel *MAG*

**SUBJECT:** Contract Amendment for Whyte, Hirschboeck & Dudek S.C. relating to O'Donnell Park claims

It is requested that this contract amendment be referred to the Committee on Finance, Personnel and Audit. Pursuant to §59.52(31)(b)(1), Stats., the County Executive has approved an amendment to this contract, authorizing an additional sum of \$50,000, for a total contract sum of \$250,000 and the contract will take effect unless the Committee takes action to reject or affirm the contract within 14 days, **by April 17, 2014.**

On February 2, 2012 (File No. 12-79), the County Board approved a contract with Whyte, Hirschboeck & Dudek S.C. ("WHD") for legal representation of Milwaukee County to pursue the County's claims *against* potentially responsible contractors for repair costs, lost revenue and other damages. The contract was for up to \$50,000. On December 20, 2012, the County Board approved an amendment to that contract (File No. 12-924) for an additional \$50,000, for a total of \$100,000. In July, 2013, the County Executive approved an amendment for an additional \$25,000, for a total of \$125,000. That amendment was submitted to the County Board under §59.52(31)(b)(1), Stats., which took no action on the amendment. In November, 2013, the County Executive approved an amendment for an additional \$75,000, for a total of \$200,000. That amendment was also submitted to the County Board under §59.52(31)(b)(1), Stats., which took no action on the amendment.

As you know, the trial was held in October of last year and the County received a verdict in its favor of \$6,000,000. The parties have litigated extensive motions after verdict and an appeal is expected by the defendants. We are estimating that the additional \$50,000 in funding should be enough to cover the work through the appeal in the Court of Appeals.

The funding will come from the 2014 Litigation Reserve Account, Org. Unit 1961.

cc: Amber Moreen  
Kelly Bablitch  
Janelle Jensen  
Steve Cady  
Raisa Koltun