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From the Office of Corporation Counsel recommending the adoption of a resolution to settle a breach of contract lawsuit filed by Innovative Masonry Restoration LLC against Milwaukee County related to the 2018-2019 construction project whereby repairs are being made to the tunnel at the Milwaukee County Courthouse, by recommending adoption of the following:

**A REVISED RESOLUTION**

WHEREAS, in January of 2018, Milwaukee County (the County) contracted with Innovative Masonry Restoration, LLC (IMR, LLC) to complete a construction project involving tunnel repairs at the County Courthouse (the Project); and

WHEREAS, IMR, LLC, filed a Federal lawsuit against the County on November 30, 2018, in the United States District Court for the Eastern District of Wisconsin, *Case No. 2018-CV-001877 Innovative Masonry Restoration, LLC vs. Milwaukee County*, alleging breach of contract based on an alleged refusal of the County to make payments to IMR, LLC, of price adjustments allegedly required by the contract for work completed, and alleging damages of approximately \$200,000 plus interest; and

WHEREAS, since the lawsuit was filed, the parties have worked diligently with a mediator to come to a settlement agreement; and

WHEREAS, the parties have come to an agreement whereby the County and IMR, LLC, compromised on the price adjustments for the work performed to be the sum of \$120,000; and

WHEREAS, IMR, LLC, will continue the tunnel repairs and the County will continue to pay IMR, LLC's pay applications/invoices until the completion of the Project; and

WHEREAS, the \$120,000 in settlement funds would be absorbed within the Project's capital budget, which is administered by the Department of Administrative Services, and the Project remains within its budget even with payment thereof; and

WHEREAS, a settlement of this dispute facilitates completion of the Project for the benefit of the County and provides IMR, LLC, with the amount due under its contract with the County; and

WHEREAS, the Office of Corporation Counsel recommends this settlement; and

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of October 24, 2019, recommended adoption of File No. 19-796 (vote 4-0); now, therefore,

48 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)  
49 approves the \$120,000 settlement with Innovative Masonry Restoration, LLC (IMR,  
50 LLC) consistent with the board report and fiscal note contained in this file; and

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52 BE IT FURTHER RESOLVED, the County Board authorizes the County  
53 Executive, Office of the Comptroller, County Clerk, Office of Corporation Counsel, and  
54 any other Milwaukee County official deemed necessary to prepare and execute all  
55 documents, instruments, agreements or otherwise, and to perform all actions necessary  
56 to complete the settlement with IMR, LLC.

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10/24/19  
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