

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

(ITEM) From Corporation Counsel, recommending payment in the amount of \$210,000 from the Appropriation for Contingencies in settlement of the claim filed by Judith Haugan Ryan, as Administrator of the Estate of Paul Haugan, for Mr. Haugan’s death on July 28, 2012, while an inpatient at the Behavioral Health Division, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Paul Haugan received medical and mental health services from the Milwaukee County Department of Health and Human Services—Behavioral Health Division (BHD) from July 24, 2012, until his death on July 28, 2012; and

WHEREAS, claimant Judith Haugan Ryan, Administrator of the Estate of Paul Haugan, by her counsel, has filed a Notice of Claim and has threatened suit against Milwaukee County and its employees, based on alleged claims of negligence, violation of civil rights, and violation of the Americans with Disabilities Act, with respect to the care given to Paul Haugan by BHD; and

WHEREAS, any recovery on claims other than negligence would have no monetary limitation and would include an award of actual attorneys’ fees; and

WHEREAS, the defense of any litigation would likely require the expenditure of tax levy funds for specialized counsel with greater staff and other resources; and

WHEREAS, without admission of liability by Milwaukee County, the parties wish to settle any potential claims in order to avoid litigation, uncertainty, and costs; and

WHEREAS, the proposed settlement agreement provides for mutual release of all claims in return for a payment by Milwaukee County to the claimant and her counsel in the amount of \$210,000; and

WHEREAS, sufficient budgeted funds do not exist to fund the proposed settlement and therefore a transfer from the Appropriation for Contingencies is required; and

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

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of December 4, 2014, recommended adoption of Corporation Counsel’s request (vote 4-2); and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of December 11, 2014, also recommended adoption of Corporation Counsel’s request (vote 8-0); now, therefore,

47
48
49
50
51
52
53
54
55
56
57
58
59

BE IT RESOLVED, that Milwaukee County approves a transfer of \$210,000 from the Appropriation for Contingencies to provide funds for a settlement; and

BE IT FURTHER RESOLVED, that Milwaukee County approves a payment of \$210,000 to Pledl & Cohn, S.C., and Judith Haugan Ryan, Administrator of the Estate of Paul Haugan, in return for a release of all potential claims related to the care given to Paul Haugan.

jmj
12/11/14
\\FI01WPCHC\CNTYBRD-Data1\$\Data\Shared\COMCLERK\Committees\2014\Dec\FPA\Resolutions\14-885.docx