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Request to Approve Settlement of Litigation *Walker, et al., v. Milwaukee County and the Employees' Retirement System of the County of Milwaukee through its Pension Board*, Case No. 15-CV-6288 (Milwaukee County Circuit Court), by recommending adoption of the following:

A RESOLUTION

WHEREAS, on or about July 30, 2015, the plaintiffs (the Walkers) filed a lawsuit captioned "*Walker v. Milwaukee County and the Employees' Retirement System of the County of Milwaukee through its Pension Board*, Milwaukee County Circuit Court (the Court) Case No. 15-CV-6288" (the Action), asserting various causes of action relating to their alleged entitlement to and denial by the Pension Board of Protective Survivorship Benefits (PSO Benefits), and alleged violation of the State of Wisconsin Open Records law; and

WHEREAS, Milwaukee County (the County) and the Pension Board denied the allegations contained in the Walkers' complaints, including in their Fifth Amended Complaint; and

WHEREAS, the Court ordered that the parties attempt to resolve the Action through mediation; and

WHEREAS, the County, the Pension Board, and the Walkers worked diligently and in good faith to compromise their respective claims and defenses, and to settle the Action at a mediation conducted by retired Judge John D'Amato; and

WHEREAS, the parties have reached an agreement to settle the Action including payment to the Walkers from the County in the amount of \$110,000, in exchange for, among other things, a full and final release of all causes of action against the County arising from the Walkers' alleged entitlement to PSO Benefits, and open record requests, and dismissal of the Action with prejudice; and

WHEREAS, the overpayment made to the Walkers in the original amount of \$200,000, plus interest, will be forgiven and must be reimbursed to the Employees' Retirement System Trust as required, pursuant to Section 201.25(8.25) of the Milwaukee County Code of General Ordinances, and a separate resolution and fiscal note will be submitted in the future, as calculations for the total amount of the overpayment and the source of funds are in process; and

WHEREAS, Corporation Counsel, Office of Corporation Counsel, recommend this settlement; and

WHEREAS, Agency 194, Org. Unit 1961 – Litigation Reserve has expenditure authority of \$186,363 available to fund the cost of the \$110,000 settlement; and

48 WHEREAS, the Committee on Judiciary, Law Enforcement and General
49 Services, at its meeting of July 15, 2022, recommended adoption of File No. 22-820
50 (vote 5-0); now, therefore,
51

52 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
53 hereby approves the \$110,000 settlement payment to the Walkers (the Plaintiffs)
54 consistent with the report and fiscal note contained in this file, which shall be paid from
55 Agency 194, Org. Unit 1961 – Litigation Reserve; and
56

57 BE IT FURTHER RESOLVED, the County Board hereby authorizes the County
58 Executive, Office of the Comptroller, County Clerk, Corporation Counsel, and any other
59 Milwaukee County official deemed necessary to prepare and execute all documents,
60 instruments, agreements or otherwise, and to perform all actions necessary to complete
61 the settlement with the Plaintiffs.
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64 ars
65 07/15/22
66 S:\Committees\2022\July\JLEGS\Resolutions\22-820 Walker et all milwaukee county pension settlement ars.docx