

(ITEM) From Corporation Counsel, recommending payment in the amount of \$11,000 in lost wages and \$80,000 for attorney's fees to James Gibson, and \$70,000 in lost wages and \$80,000 for attorney's fees to Tamara Rohr, for a total amount of \$241,000 to settle the case of *Gibson and Rohr v. Milwaukee County, et al.*, Case No. 12-CV-657 (U.S. District Court), by recommending adoption of the following:

A RESOLUTION

WHEREAS, James Gibson (Gibson) and Tamara Rohr (Rohr) were Corrections Officers hired in 2008 and working for the Milwaukee County Office of the Sheriff; and

WHEREAS, Gibson and Rohr filed a federal court lawsuit (Case No. 12-CV-657) against the Sheriff and his employees alleging various American's With Disabilities Act (ADA) and Family and Medical Leave Act (FMLA) violations; and

WHEREAS, Gibson alleges he was retaliated against for exercising his rights under the FMLA, and as a consequence was denied wages as a Lieutenant Commanding Officer under a temporary appointment and that, with a double damages penalty, his wage-related claims amount to over \$46,000; and

WHEREAS, Rohr alleges she was denied an accommodation of her disability under the ADA and that she was retaliated against for exercising her rights under the FMLA and as a consequence was denied wages, and that, with a double damages penalty, her wage-related claims amount to over \$215,000; and

WHEREAS, Judge Adelman has issued a decision finding that Rohr's ADA rights were violated and setting a trial for a determination of her damages and finding that a trial is required to determine whether Gibson's FMLA rights were violated and determining his damages, if any; and

WHEREAS, the parties subsequently participated in a mediation in federal court and have reached a tentative settlement agreement; and

WHEREAS, the risk of continuing the litigation and substantially increasing the exposure to attorneys' fees for the plaintiffs (in addition to the continuing defense counsel fees) outweighs the advantages of a trial with an appeal and a possible re-trial; and

WHEREAS, the settlement provides for payment by Milwaukee County to James Gibson in the amount of \$11,000 in lost wages and the granting of sufficient pension service credit for him to have 5.0 years of pension service and a payment by the Wisconsin County Mutual Insurance Company (WCMIC) of \$80,000 to Gibson's attorneys, Padway & Padway, Ltd.; and

47 WHEREAS, the settlement provides for payment by Milwaukee County to
48 Tamara Rohr in the amount of \$70,000 in lost wages, the granting of sufficient pension
49 service credit for her to have 6.0 years of pension service, the waiver of unpaid monthly
50 health insurance premiums, the provision of a neutral reference and a payment by the
51 WCMIC of \$80,000 to Rohr's attorneys, Padway & Padway, Ltd.; and

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53 WHEREAS, the Litigation Manager for WCMIC, the Office of Corporation
54 Counsel, and the defendants' outside counsel with Lindner & Marsack S.C.,
55 recommend approval of this settlement; and

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57 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
58 meeting of July 16, 2015, recommended adoption of Corporation Counsel's request
59 (vote 5-1); now, therefore,

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61 BE IT RESOLVED, the Milwaukee County Board of Supervisors (the Board)
62 approves a settlement of James Gibson's claims with a payment by Milwaukee County
63 of \$11,000 in wages, the granting of sufficient pension service credit for him to have 5.0
64 years of pension service, and payment by the Wisconsin County Mutual Insurance
65 Company (WCMIC) of \$80,000 to Gibson's attorneys, Padway & Padway, Ltd., in return
66 for a full release of all claims by James Gibson and a dismissal of the pending litigation;
67 and

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69 BE IT FURTHER RESOLVED the Board approves a settlement of Tamara
70 Rohr's claims with a payment by Milwaukee County of \$70,000 in wages, granting of
71 sufficient pension service credit for her to have 6.0 years of pension service, with a
72 waiver of unpaid monthly health insurance premiums, a neutral reference, and a
73 payment by WCMIC of \$80,000 to Rohr's attorneys, Padway & Padway, Ltd., in return
74 for a full release of all claims by Tamara Rohr and a dismissal of the pending litigation.

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