

A RESOLUTION

To authorize Corporation Counsel to contract with Whyte, Hirschboeck & Dudek S.C. (“WHD”) to represent Milwaukee County in matters relating to prosecution of any claims that it may have against potentially responsible parties for loss or damages relating to the failure of the O’Donnell Park parking structure.

WHEREAS, a parapet wall of the O’Donnell Park parking structure fell on June 24, 2010 resulting in the death of Jared Kellner and injuries to the Wosinskis and Kellners, and

WHEREAS, the O’Donnell Park parking structure was closed for an extended period of time, resulting in a loss of revenue to Milwaukee County, and extensive repairs were required to the structure at a significant cost to Milwaukee County, and

WHEREAS, various parties have filed multiple suits against Milwaukee County and others related to the death and injuries that occurred and WHD has been retained by the Wisconsin County Mutual Insurance Corporation to represent and defend Milwaukee County’s interests in those lawsuits, and

WHEREAS, WHD has acquired extensive knowledge and experience of the facts and issues related to the parking structure construction, repair and related matters, and

WHEREAS, WHD has extensive specialized knowledge and experience in the area of construction litigation, and

WHEREAS, it is advantageous to Milwaukee County to retain the services of WHD to utilize its general legal experience and its specific legal experience related to the parking structure in order to prosecute Milwaukee County’s claims against potentially responsible parties for loss or damages relating to the failure of the O’Donnell Park parking structure, and

WHEREAS, the cost for this representation will relate only to those legal services that are required to prosecute Milwaukee County’s claims and will not include under this contract the cost of legal services incurred to defend Milwaukee County’s interests in the pending litigation, and

WHEREAS, Corporation Counsel has negotiated a contract that provides for an hourly rate not to exceed \$220 with total hourly fees not to exceed \$50,000.00 and, in the event of a recovery by Milwaukee County, a contingency fee reduced by any fees paid at the hourly rate, and

WHEREAS, there are sufficient funds in the litigation reserve account to pay for those legal fees,

NOW THEREFORE,

BE IT RESOLVED that the Corporation Counsel is authorized and directed to contract with Whyte, Hirschboeck & Dudek S.C. to represent and to prosecute Milwaukee County's claims against potentially responsible parties for loss or damages relating to the failure of the O'Donnell Park parking structure, with an hourly rate not to exceed \$220.00 and total hourly fees not to exceed \$50,000.00 and, in the event of a recovery by Milwaukee County, a contingency fee reduced by any fees paid at the hourly rate, and the contract shall be exempt from the provisions of §56.30 of the County Ordinances.