

Agenda of April 24, 2013

**Item No. 13-0250
(No payment)**

TO: The Honorable
Board of Water Commissioners
City of Detroit, Michigan

FROM: Sue F. McCormick, Director
Detroit Water and Sewerage Department

DATE: April 24, 2013

RE: *L. D'Agostini & Sons, Inc. v. City of Detroit*, Case No. 12-cv-10041-JCO-MKM, currently pending on appeal to the United States Court of Appeals for the Sixth Circuit, Case No. 12-2311

MOTION: Upon recommendation of William M. Wolfson, General Counsel, the Board of Water Commissioners authorizes **settlement of *L. D'Agostini & Sons, Inc. v. City of Detroit*, Case No. 12-cv-10041-JCO-MKM, currently pending on appeal to the United States Court of Appeals for the Sixth Circuit, Case No. 12-2311** as well as other matters between the parties, including but not limited to those claims raised by DWSD in Macomb Interceptor Drainage District v Kwame Kilpatrick, *et al*, USDC Case No. 2:11 -cv- 13101 through a mutual release of claims without payment, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

This recommendation was considered by the Board of Water Commissioners and action taken as noted below.

BOARD OF WATER COMMISSIONERS:

ACTION: _____

DATE: _____

BY: _____

Sue F. McCormick, Director