

RESOLUTION NO. 77-08

To Withdraw Petition for Review Filed with Wisconsin Supreme Court

WHEREAS, on September 16, 2008, the Wisconsin Court of Appeals, District III, issued a decision in Sollman v. Polk County, et al., Appeal No. 2008AP831-AC, reversing the Judgment of the Circuit Court and entering Summary Judgment in favor of the Plaintiffs; and

WHEREAS, on or about January 22, 2008, the Polk County Board of Supervisors adopted Resolution 05-08 through which Polk County entered into an Asset Purchase Agreement to sell the Golden Age Manor Nursing Home; and

WHEREAS, pursuant to Resolution 05-08, Polk County has filed a petition for review with the Supreme Court for the purpose of overturning the Court of Appeals decision and meeting the representations and performance obligations required of Polk County as provided in the Asset Purchase Agreement.

WHEREAS, it is therefore deemed to be in the best interests of Polk County to withdraw its petition for review that has been filed with the Wisconsin Supreme Court.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors withdraws the petition for review filed on behalf of Polk County with the Wisconsin Supreme Court in the case of Sollman v. Polk County, et al., Appeal No. 2008AP831-AC.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs that the attorneys for Polk County file a certified copy of this resolution with the Wisconsin Supreme Court when filing the withdrawal and the dismissal of the petition for review.

Funding Amount: N/A Funding Source: N/A

Finance Committee Recommends: N/A

Approved as to form: Jeffrey B. Fuge
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to County Board: October 21, 2008

County Board Action: Failed Effective Date: Upon Passage

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The above resolution was enacted by the Polk County Board of Supervisors, by simple majority vote of _____ in favor and _____ against, at the regular meeting of the Polk County Board of Supervisors held on October 21, 2008.

Bryan Beseler, Polk County Board Chairperson

Dated: _____

Attest: _____
Catherine A. Albrecht, County Clerk

Dated: _____

Respectfully submitted and sponsored by:



Robert Dueholm, Supervisor, District 1



