

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 26, 2013

TO: Theodore Lipscomb Sr., Chairman
Committee on Judiciary, Safety and General Services

Willie Johnson & David Cullen, Co-Chairmen
Committee on Finance, Personnel and Audit

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Status update on pending litigation

The following is a list of some of the significant pending cases that we believe may be of interest to the Committees. New information and additions to the list since the last committee meetings are noted in **bold**. However, our office is prepared to discuss any pending litigation or claim involving Milwaukee County, at your discretion.

1. *DC48 v. Milwaukee County* (Rule of 75)
Case No. 11-CV-16826 (stay of case until March 14, 2014)
2. *MDSA v. Milwaukee County* (overturn arbitration award on 2012 deputy layoffs)
Case No. 12-CV-1984 (circuit court affirmed award)
3. Retiree health plan (co-pays, deductibles, etc.) cases:
Estate of Hussey v. Milwaukee County (Retiree health)
Case No. 12-C-73 (U.S. District Court ruled in County's favor, appealed by Hussey to U.S. Seventh Circuit Court of Appeals)
MDSA prohibited practice complaint
WERC Case No. 792 No. 71690 MP-4726
Rieder & MDSA v. Milwaukee County
Case No. 12-CV-12978
DC48 prohibited practice complaint
WERC Case No. 762 No. 70685 MP-4657
DC48 et al. v. Milwaukee County et al.
Case No. 12-CV-13612 (stayed pending outcome of *Hussey* case)
4. Medicare Part B premium reimbursement cases:
FNHP and AMCA v. Milwaukee County
Case No. 12-CV-1528 (Court of Appeals ruled in favor of County; Petition for Review filed with Supreme Court)
DC48 et al. v. Milwaukee County et al.
Case No. 12-CV-13612 (stayed pending outcome of case above)

5. 1.6% Pension Multiplier cases:
Stoker & FNHP v. Milwaukee County
Case No. 11-CV-16550 (**Court of Appeals ruled against County, petition for review authorized**)
AFSCME v. Milwaukee County
Case No. 12-CV-9911 (stayed pending *Stoker* appeal)
Brillowski & Trades v. Milwaukee County
Case No. 12-CV-13343 (stayed pending *Stoker* appeal)
6. *McKenzie & Goodlette v. Milwaukee County* (captains layoffs, **settlement proposed**)
Case No. 12-CV-0079
Rewolinski v Milwaukee County (captain layoff, **settlement proposed**)
Case No. 12-CV-0645
7. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)
Case No. 11-CV-1003 (**Jury Verdict**)
8. *Christensen et al. v. Sullivan et al.*
Case No. 96-CV-1835
9. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)
Case No. 11-CV-8784
10. *Milwaukee County v. Federal National Mortgage Ass'n. et al.* (transfer taxes)
Case No. 12-C-732 (U.S. District Court ruled against County, appealed to Seventh Circuit by County)
11. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)
Case No. 12-CV-11071
12. Retirement sick allowance payment for employees not represented at retirement, but previously represented
Pasko v. Milwaukee County
Case No. 11-CV-2577 (petition to WI Supreme Court filed by County)
Porth v. Milwaukee County
Case No. 11-CV-4908 (consolidated with Pasko case, petition to WI Supreme Court filed by County)
Koehn v. Milwaukee County
Case No. 12-CV-1402 (stayed in circuit court pending appeal of other cases)
Marchewka v. Milwaukee County
Case No. 13-CV-969
13. Froedtert Hospital petition to disturb burial sites – petition granted by State.

14. *FNHP, AMCA & AFSCME v. Milwaukee County and ERS*
Case No. 13-CV-3134 (backdrop modification)
15. *Roeschen's Healthcare LLC v. Milwaukee County*
Case No. 13-CV-3853 (court ordered records produced; attorneys' fee issue remaining)
16. *MTS v. Milwaukee County*
Case No. 13-CV-7234 (**court ordered records produced; attorneys' fee issue remaining**)
17. *Madison Teachers Inc. v. Walker*
Dane County Circuit Court Case No. 11-CV-3774 (Act 10)
18. **Orlowski v. Milwaukee County**
Case No. 13-C-994 (E.D. Wis.)(2007 death of inmate in HOC)
19. **In re Mental Commitment of Mary F-R**
2013 WI 92
(Supreme Court held that 6 person jury is constitutional in mental commitment cases)