

**INTEROFFICE COMMUNICATION
OFFICE OF CORPORATION COUNSEL**

DATE: May 24, 2016

TO: Theodore Lipscomb Sr., Chairman, County Board of Supervisors

FROM: Paul Bargren, Corporation Counsel
Colleen A. Foley, Deputy Corporation Counsel

SUBJECT: Contract amendment for Whyte Hirschboeck Dudek SC relating
To *Lloyd Johnson v. Milwaukee County, et al.*

It is requested that this matter be referred to the Committee on Finance, Personnel and Audit for passive review of a contract amendment. Pursuant to §59.52(31)(b)(1), Wis. Stats., the County Executive has signed (or will sign) a contract amendment, authorizing an additional sum of \$200,000, for a total contract sum of \$295,000, and the amendment will take effect unless the Committee takes action to reject or affirm it within 14 days, by June 16, 2016.¹

In November, 2014, the County entered into a contract with Whyte Hirschboeck Dudek SC and Emile Banks and Associates LLC to represent the County and County-related Defendants in *Lloyd Johnson v. Milwaukee County, et al*, Case No. 14-C-01408, pending in the US District Court for the Eastern District of Wisconsin, in consultation with, and in a co-counsel role with, the Office of Corporation Counsel.

This case relates to injuries that the Plaintiff inflicted on himself while a patient at the Mental Health hospital. The litigation in this case has been, and continues to be, extremely large and complex. Defendants' counsel just received notices from Plaintiff's counsel for 12 new depositions, as well as being engaged in constant discovery disputes with cross motions pending before Judge Adelman. We estimate that each deposition may take between 4-6 hours.

The contract to represent the County has been amended several times during the litigation. The original contract and one amendment amounted to \$95,000. The current amendment of \$200,000 is expected to be a sufficient prediction.

As noted above, the County Executive has signed, or will sign, the amendment increasing the contract amount to a total of \$295,000.

These funds will be encumbered from the funds provided in the 2016 Litigation Reserve Account, Org Unit 1961.

c: Raisa Koltun, Kelly Bablitch, Erica Hayden, Shanin Brown

¹ To allow 14 days for the Committee to complete its passive review at its June 16, 2016 meeting, a fully signed contract amendment will be submitted June 2 or later.