

**INFORMATIONAL REPORT ON SETTLEMENTS OF CLAIMS AND LITIGATION**

**PREPARED BY THE MILWAUKEE COUNTY**  
**OFFICE OF CORPORATION COUNSEL**

DATE: December 28, 2023

TO: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors  
Ryan Clancy, Chairman, Committee on Judiciary, Safety and General Services

FROM: Karen L. Tidwall, Deputy Corporation Counsel, Office of Corporation Counsel

SUBJECT: Informational Report regarding Settlement of Claims and Litigation

Pursuant to the Office of Corporation Counsel's ("OCC") June 7, 2018 Legal Opinion, the County has delegated settlement authority to WCMIC through its insurance contract. However, to ensure that the Milwaukee County Board of Supervisors is aware of any settlements, the OCC reports on a monthly basis the following information:

1. WCMIC-controlled litigation settlements that exceed \$500.00.<sup>1</sup>
2. WCMIC-controlled claim resolutions.
3. Resolution of legal claims and litigation covered under other County insurance policies.
4. Resolution of legal claims and litigation in which the County is the party-plaintiff, whether Board approval is or is not required pursuant to Wisconsin law.

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<sup>1</sup> Pursuant to Milwaukee County Ordinance § 1.11(c)(5)2.(d) and Wis. Stat. § 59.52(12)(b), resolution of litigation and claims resulting in payment of \$500 or less will be reported to the Board annually.

**1. WCMIC-Controlled Litigation Settlements**

| <u>Case Name</u>                                                                                   | <u>Case Number</u>   | <u>Firm</u>       | <u>Description</u>                                                                          | <u>Settlement Amount</u> | <u>Claim Year</u> | <u>Payor</u> |
|----------------------------------------------------------------------------------------------------|----------------------|-------------------|---------------------------------------------------------------------------------------------|--------------------------|-------------------|--------------|
| <i>Estate of Laliah Swayzer v. Milwaukee County, et al.</i><br>(2016 death of baby born to inmate) | E.D. Wis. 16-CV-1703 | Leib Knott Gaynor | Section 1983 - Failure to properly train, supervise, and formulate investigative processes. | \$750,000.00             | 2016              | WCMIC        |
| <i>Sergio Shaw v. Butler, et al.</i>                                                               | E.D. Wis. 22-CV-62   | OCC               | Section 1983 – Excessive force.                                                             | \$2,100.00               | 2021              | WCMIC        |

**2. WCMIC-Controlled Claim Resolutions**

| <u>Claimant Name</u> | <u>Investigator</u> | <u>Type of Action</u>            | <u>Settlement Amount</u> | <u>Claim Year</u> | <u>Payor</u> |
|----------------------|---------------------|----------------------------------|--------------------------|-------------------|--------------|
| Nathen Kooi          | Ryan Anderson       | Auto Liability – Property Damage | \$1,748.80               | 2023              | WCMIC        |
| Kevin Teske          | Ryan Anderson       | Auto Liability – Property Damage | \$2,129.78               | 2023              | WCMIC        |
| Ulysses Clark        | Ryan Anderson       | Auto Liability – Property Damage | \$5,328.28               | 2023              | WCMIC        |
| Miranda Johnson      | Ryan Anderson       | Auto Liability – Bodily Injury   | \$5,700.00               | 2022              | WCMIC        |

**3. Settlements Covered Under Other Insurance Policies**

None this cycle.

4. **Settlements Where County Is Plaintiff**

| <u>Case Name</u>                                                                      | <u>Case Number</u>                        | <u>Firm</u>                                           | <u>Description</u>                                                                                                                            | <u>Settlement Amount</u>       | <u>Date of payment</u>   |
|---------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------|
| <i>Milwaukee County v. Amerisourcebergen Drug Corp, et al.</i><br>(Opioid Litigation) | E.D. Wis. 18-CV-403<br>(Transferred case) | Various national counsel; Mallery & Zimmerman, et al. | Public Nuisance; RICO;                                                                                                                        | \$474,934.69                   | 07/26/2023               |
|                                                                                       | 17-MD-2804<br>(Lead MDL Case)             |                                                       | Deceptive Trade Practices; Negligence, Negligent Misrepresentation; Negligence per se; Fraud; Fraudulent Misrepresentation; Unjust enrichment | \$2,068,598.17<br>\$558,746.70 | 08/04/2023<br>11/17/2023 |

5. **Settlements Pending Where County Board Approval Is Required (with corresponding File No.)**

None this cycle.