

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: August 23, 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 (temporary stay of case until November 25, 2013)
2. *MDSA v. Milwaukee County* (overturn arbitration award on 2012 deputy layoffs)
Case No. 12-CV-1984
3. Retiree health plan (co-pays, deductibles, etc.) cases:
Hussey v. Milwaukee County (Retiree health)
Case No. 12-C-73 (U.S. District Court, 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 (appealed to WI Court of Appeals by Milwaukee County)
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 (appealed to WI Court of Appeals by Milwaukee County)
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. Sheriff Captain Lay-off cases:
McKenzie & Goodlette v. Milwaukee County (captains layoffs)
Case No. 12-CV-0079
Rewolinski v Milwaukee County (captain layoff)
Case No. 12-CV-0645
Clarke v. Civil Service Commission (captains promotions and layoffs)
Case No. 12-CV-3366 (Commission affirmed)(appealed by Sheriff to Court of Appeals)
7. *DC48 v. Milwaukee County* (seniority in vacation selection and CO1 transfer rights under Sheriff)
Case No. 12-CV-3944 (**voluntarily dismissed by DC48**)
8. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)
Case No. 11-CV-1003 (consolidated actions)(trial: October 7, 2013, six weeks)
9. *Christensen et al. v. Sullivan et al.*
Case No. 96-CV-1835
10. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)
Case No. 11-CV-8784
11. *Milwaukee County v. Federal National Mortgage Ass'n. et al.* (transfer taxes)
Case No. 12-C-732 (U.S. District Court)(**appealed to Seventh Circuit by County**)
12. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)
Case No. 12-CV-11071
13. 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
14. *Clarke v. Milwaukee County* (House of Correction transition)
Case No. 12-CV-13388 (appealed by Sheriff to Court of Appeals)
15. *Calderon v. Milwaukee County*
Case No. 12-C-1043 (U.S. District Ct.)(deputy assault of person in custody)
16. Froedtert Hospital petition to disturb burial sites – petition granted by State.
17. *FNHP, AMCA & AFSCME v. Milwaukee County and ERS*
Case No. 13-CV-3134 (backdrop modification)