

**INTEROFFICE COMMUNICATION  
OFFICE OF CORPORATION COUNSEL**

**DATE:** February 16, 2018

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

**FROM:** Colleen A. Foley, Deputy Corporation Counsel

**SUBJECT:** Contract amendment with Winston & Strawn, LLP relating to: *Jane Doe v. Milwaukee County; Estate of Terrill Thomas v. Milwaukee County, et al.; Orłowski v. Milwaukee County; and Estate of James Perry v. Wenzel, et al.*

It is requested that this matter be referred to the Committee on Finance and Audit for a contract amendment.

In September 2017, the County entered into a professional service contract with Winston & Strawn, LLP to serve as counsel in the merits and insurance coverage dispute in *Jane Doe v. Milwaukee County*, Case No. 14CV200 in the United States District Court for the Eastern District of Wisconsin. Thereafter, Winston & Strawn (in conjunction with prior counsel) filed motions to file proposed cross-claims against WCMIC and to vacate Orders granting partial final judgment to former intervenor WCMIC, and motion to stay post-trial proceedings pending resolution of coverage disputes, all denied by the Court without prejudice on September 28, 2017. Thereafter, Winston & Strawn filed a December 22, 2017 third party complaint for declaratory judgment against WCMIC on policy coverage issues in *Estate of Terrill Thomas v. Milwaukee County, et al*, 2017CV1128, with related policy coverage implications for the *Jane Doe* case.

Additionally, the United States Court of Appeals for the 7<sup>th</sup> Circuit reversed and remanded back to the trial court two other cases: *Orłowski v. Milwaukee County*, Case No. 13C994 and *Estate of James Perry v. Wenzel, et al.*, Case No. 12C664. On December 15, 2017, petitions for writs of certiorari were filed in the United States Supreme Court with research and advice provided by the Winston & Strawn firm. The United States Supreme Court has now requested that the plaintiffs in those matters file a response to the writ petitions, so additional work will be required from Winston & Strawn for these pending issues.

Sufficient funds exist in the 2018 Litigation Reserve Account, Org Unit 1961, for this request.

cc: Raisa Koltun, Kelly Bablitch, Erica Hayden, Janelle Jensen