

COPY

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY
CIVIL DIVISION - BRANCH 14

WISCONSIN FEDERATION OF NURSES
AND HEALTH PROFESSIONALS, LOCAL
5001, AFT, AFL-CIO, ASSOCIATION OF
MILWAUKEE COUNTY ATTORNEYS,
SUSAN SCHWEGEL and SUSAN JASKULSKI,

Plaintiffs,

v.

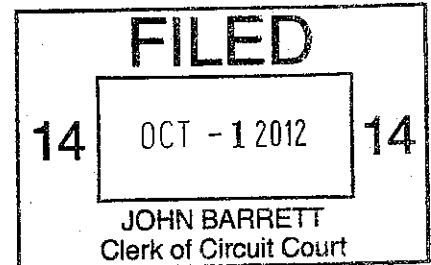
MILWAUKEE COUNTY,

Defendant.

Case No. **12CV1528**

Case Code 30704

Other Injunction



FINAL ORDER AND JUDGMENT

The above-entitled matter having come on for hearing on September 24, 2012, on the cross-motions of the plaintiffs and defendant Milwaukee County for summary judgment; and all parties having been represented by their respective counsel at said hearing; and the Court having considered all of the briefs, submissions, files, records and proceedings pertaining to the aforesaid motions, and having heard the argument of counsel and otherwise having been fully advised in the premises; and the Court having announced its decision on said motions in open court on September 24, 2012, with all counsel present:

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The plaintiffs' motion for summary judgment is GRANTED in its entirety for the reasons stated by the Court on the record on September 24, 2012.

2. The defendant's motion for summary judgment is DENIED in its entirety for the reasons stated by the Court on the record on September 24, 2012.

3. For the reasons stated by the Court on the record on September 24, 2012, judgment is GRANTED to the plaintiffs declaring:

a. That every member of the County bargaining unit represented by plaintiff Wisconsin Federation of Nurses and Health Professionals, Local 5001, AFT, AFL-CIO (WFNHP), who began his or her County employment prior to September 27, 1995, including but not limited to plaintiff Susan Schwegel ("Affected WFNHP Member" or "Affected Member"), has a vested benefit contract requiring the County to reimburse the Medicare Part B premiums of the Affected Member and his or her spouse after the Affected Member retires and he or she or his or her spouse becomes Medicare-eligible, if, at the time said Affected Member retires, he or she has accrued fifteen (15) or more years of credited County service, notwithstanding the provisions of MCGO § 17.14(7)(ee)1);

b. That every member of the County bargaining unit represented by plaintiff Association of Milwaukee County Attorneys (AMCA), who began his or her County employment prior to January 1, 2006, including but not limited to plaintiff Susan Jaskulski ("Affected AMCA Member" or "Affected Member"), has a vested benefit contract requiring the County to reimburse the Medicare Part B premiums of the Affected Member and his or her spouse after the Affected Member retires and he or she or his or her spouse becomes Medicare-eligible, if, at the time said Affected Member retires, he or she has accrued fifteen (15) or more years of credited County service, notwithstanding the provisions of MCGO § 17.14(7)(ee)1);

c. That any refusal on the County's part to reimburse the Medicare Part B premium of an Affected Member or his or her spouse after he or she retires and

becomes Medicare eligible, even if in reliance on MCGO § 17.14(7)(ee)1), will constitute a material breach of such Affected Member's vested benefit contract, if at the time the Affected Member retires, he or she has accrued fifteen (15) or more years of credited County service; and

d. That MCGO § 17.14(7)(ee)1) is invalid and ineffective as to any Affected Member who, at the time he or she retires, has accrued fifteen (15) or more years of credited County service.

4. The County is hereby ENJOINED from enforcing or applying MCGO § 17.14(7)(ee)1) as to any Affected Member or his or her spouse and from eliminating or refusing to pay the Medicare Part B reimbursement owed to any Affected Member or his or her spouse after the Affected Member retires and he or she or his or her spouse becomes Medicare eligible, if at the time the Affected Member retires, he or she has accrued fifteen (15) or more years of credited County service;

5. The County is hereby ORDERED, as specific performance of each Affected Member's vested benefit contract, to reimburse his or her Medicare Part B premium and that of his or her spouse after the Affected Member retires and he or she or his or her spouse becomes Medicare eligible, if at the time the Affected Member retires, he or she has accrued fifteen (15) or more years of credited County service.

6. The plaintiffs are AWARDED their costs of this action.

7. The Clerk shall enter Judgment hereon forthwith.

8. This is a FINAL JUDGMENT on the merits of the entire matter in litigation as to all parties, for purposes of Wis. Stat. § 808.03(1). **THIS JUDGMENT IS FINAL FOR PURPOSES OF APPEAL.**

9. This Order and Judgment shall be stayed until the earlier of (a) the date the County's time to appeal has expired without the County having done so, or (b) the date

of the remittitur of the case to this Court by the Court of Appeals or the Supreme Court, as the case may be, following a final appellate decision affirming this Order and Judgment, or any part thereof.

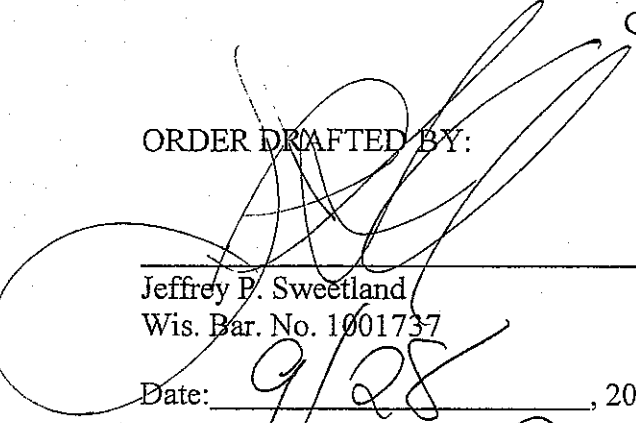
Dated at Milwaukee, WI on 10/1, 2012.

BY THE COURT:

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CHRISTOPHER R. FOLEY
BR. 14

The Honorable Christopher R. Foley
Circuit Court Judge, Branch 14

ORDER DRAFTED BY:

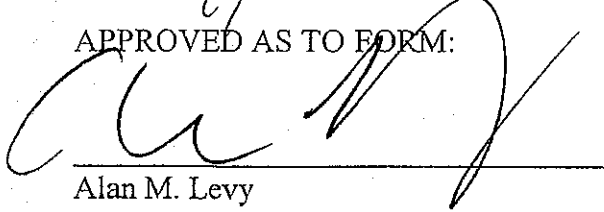


Jeffrey P. Sweetland
Wis. Bar. No. 1001737

Date: 9/28, 2012

HAWKS QUINDEL, S.C.
P.O. Box 442
Milwaukee, WI 53201-0442
(414) 271-8650
Attorneys for the Plaintiffs

APPROVED AS TO FORM:



Alan M. Levy
Wis. Bar No. 1010285

Date: 9/28, 2012

LINDNER & MARSACK, S.C.
411 East Wisconsin Avenue, Suite 1800
Milwaukee, WI 53202
(414) 273-3910
Attorneys for Milwaukee County