**INTEROFFICE COMMUNICATION**

**COUNTY OF MILWAUKEE**

DATE: February 19, 2013

TO: Mark Borkowski, 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 significant pending cases. 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

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 cases 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 above appeal)

*Brillowski & Trades v. Milwaukee County*

Case No. 12-CV-13343 (stayed pending outcome of *Stoker* above)

6. *Milwaukee County v. WERC and AFSCME* (2010 bargaining; furloughs)

Case No. 11-CV-12137 (appealed by AFSCME to Court of Appeals)(stayed pending furlough payments being made)

7. *MDSA v. Clarke & Milwaukee County* (G4S contract for bailiffs)

Case No. 12-CV-3410

*MDSA WERC Prohibited Practice Complaint* (G4S contract)

8. 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)**

9. *DC48 v. Milwaukee County* (seniority in vacation selection and CO1 transfer rightsunder Sheriff)

Case No. 12-CV-3944

10. *Wosinski et al. v. Advance Cast Stone et al.* (O’Donnell Park)

Case No. 11-CV-1003 (consolidated actions)

11. *Christensen et al. v. Sullivan et al.* (Sheriff motion on medical care in jail)

Case No. 96-CV-1835

12. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)

Case No. 11-CV-8784

13. *Milwaukee County v. Federal National Mortgage Ass’n. et al.* (transfer taxes)

Case No. 12-C-732 (U.S. District Court)

14. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)

Case No. 12-CV-11071

15. *MDSA grievance arbitration* (overtime opportunities)

*Milwaukee County v. MDSA* (overturn arbitration award for MDSA on overtime)

Case No. 12-CV-8411

16. Retirement sick allowance payment for employees not represented at retirement, but previously represented

*Pasko v. Milwaukee County*

Case No. 11-CV-2577 (appealed to WI Court of Appeals by Milwaukee County)

*Porth v. Milwaukee County*

Case No. 11-CV-4908 (consolidated with Pasko case, appealed to WI Court of Appeals by Milwaukee 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**

17. *Clarke v. Milwaukee County* (House of Correction transition)

Case No. 12-CV-13388

18. *Calderon v. Milwaukee County*

Case No. 12-C-1043 (U.S. District Ct.)(deputy assault of person in custody)