

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: August 28, 2014

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 *MAG*

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 (stay of case until October 16, 2014)
2. Retiree health plan (co-pays, deductibles, etc.) cases:

Estate of Hussey v. Milwaukee County (Retiree health)
Case No. 12-C-73 (U.S. Seventh Circuit Court of Appeals affirmed ruling in County's favor)

MDSA prohibited practice complaint
WERC Case No. 792 No. 71690 MP-4726

Rieder & MDSA v. Milwaukee County
Case No. 12-CV-12978 (circuit court ruled in County's favor; MDSA filed appeal to Court of Appeals)

3. Medicare Part B premium reimbursement cases:

FNHP and AMCA v. Milwaukee County

Case No. 12-CV-1528 (Court of Appeals ruled in favor of County; Wisconsin Supreme Court has accepted review)

DC48 et al. (Martel) v. Milwaukee County et al.

Case No. 12-CV-13612 (stayed pending outcome of case above)

4. 1.6% Pension Multiplier cases:

Stoker & FNHP v. Milwaukee County

Case No. 11-CV-16550 (Court of Appeals ruled against County, Wisconsin Supreme Court has accepted review)

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)

5. Pension backdrop modification case:

FNHP, AMCA & AFSCME v. Milwaukee County and ERS

Case No. 13-CV-3134

6. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)

Case No. 11-CV-1003 (Jury Verdict; **appeal filed by ACS and Liberty**)

7. *Christensen et al. v. Sullivan et al.* (jail population and health care)

Case No. 96-CV-1835

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

Case No. 11-CV-8784 (court found dam a nuisance and ordered repair or removal)

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

Case No. 12-CV-11071

10. Froedtert Hospital petition to disturb burial sites – petition granted by State.

11. *Orlowski v. Milwaukee County* (2007 death of inmate in HOC)

Case No. 13-C-994 (E.D. Wis. federal court)

12. *Madison Teachers Inc. v. Walker*
Dane County Circuit Court Case No. 11-CV-3774 (**Supreme Court found Act 10 constitutional**)
13. *Jane Doe v. Milwaukee County (sexual assault by CO in jail)*
Case No. 14-CV-200 (E.D. Wis. federal court)
14. *AFSCME, DC48 v. Milwaukee County (laid off housekeepers)*
Case No. 14-C-340 (E.D. Wis. federal court)
15. *Physiogenix v. Milwaukee County, WE Energies et al (Research Park power)*
Case No. 14-CV-1780
16. *Milwaukee County v. Personnel Review Board (jurisdiction of PRB over discipline grievances)*
Case No. 14-CV-2536 (**circuit court held that PRB cannot hear grievances over disciplinary suspensions of 10 days or less**)
17. *In the matter of a John Doe Proceeding (public records)*
Case No. 10-JD-000007
18. *Estate of Steven Cole v. Milwaukee County (patient death at BHD)*
Case No. 14-CV-740 (E.D. Wis. federal court)
19. *Tanya Weyker v. Quiles et al (MVA; false arrest and cover-up claims)*
Case No. 14-CV-782 (E.D. Wis. federal court)