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INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE

DATE: May 9, 2016

TO: Milwaukee County Board Chairman Theodore Lipscomb
Chair, Committee on Judiciary, Safety and General Services
Chair, Committee on Finance, Personnel and Audit

FROM: Colleen Foley, 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 (motion hearing February 24, 2016: Judge Rothstein took under advisement with decision expected within 90 days of motion hearing date)
2. *Trapp et al. v Milwaukee County et al.*
Case No. 15-CV-0019 (Milw. County Circuit Court; stayed pending IRS approval of pension ordinance amendments)
3. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)
Case No. 11-CV-1003 (Jury Verdict; appeals filed by ACS and Liberty; County et al. response brief filed on 2/25/16)
4. *Christensen et al. v. Sullivan et al.* (jail population and health care)
Case No. 96-CV-1835 (April 21, 2016 request for information on jail's use of segregation cells and alleged 2015 staffing reduction; request for May 2016 jail tour)
5. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)
Case No. 11-CV-8784 (court found dam a nuisance and ordered repair or removal; status conference June 30, 2016)
6. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)
Case No. 12-CV-11071 (court dismissed both side's claims; Midwest filed appeal; County cross-appeal filed)

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7. Froedtert Hospital petition to disturb burial sites – petition granted by State.
8. *Orlowski v. Milwaukee County* (2007 death of inmate in HOC)
Case No. 13-C-994 (E.D. Wis. federal court; court granted County's motion for summary judgment on April 21, 2016 – May 16, 2016 trial date cancelled)
9. *Jane Doe v. Milwaukee County (sexual assault by CO in jail)*
Case No. 14-CV-200 (E.D. Wis. federal court; County motion for partial summary judgment filed; jury trial September 12, 2016; March 25, 2016 decision allowing plaintiff to amend complaint to add class action allegation)
10. *Aikin v. Milwaukee County (sex and retaliation discrimination)*
ERD Case Nos. 2006-01096; 2011-04458 (hearing October 27-30, 2015; post-hearing briefs being filed by end of April)
11. *Johnson v. Milwaukee County et al. (patient care at BHD)*
14-CV-1408 (E.D. Wis. federal court) (discovery phase)
12. *MDSA & Sheriff Clarke v. Milwaukee County (hiring deputies)*
Case No. 15-CV-786 (circuit court dismissed case; Sheriff appealed, appeal briefs completed; MDSA filed complaint with WERC)
13. *Estate of James Perry v. Wenzel et al. (death in booking room of jail)*
Case No. 12-C-664 (E.D. Wis. federal court; County motion for summary judgment filed)
14. *Nenn et al. v. Milwaukee County Board of Supervisors (open meetings)*
Case No. 15-CV-5131 (March 24, 2016 jury demand; August 31, 2016 pretrial conference)
15. *Lang v. Milwaukee County et al. (sexual harassment)*
Case No. 15-C-1004 (E.D. Wis. federal court; April 19, 2016 referral to mediation before U.S. Magistrate)
16. *Archer v. Chisholm et al. (John Doe)*
Case No. 15-C-922 (E.D. Wis. federal court)
17. *Lipscomb and Milwaukee County Board of Supervisors v. Abele (County Board and Executive authority)* Case No. 15-CV-8664/2016-CV-2888 (March 31, 2016 dismissal without prejudice of original action; new action filed on April 15, 2016 on behalf of Chair/Board of Supervisors pursuant to resolution)
18. *Clarke v. Abele (First Amendment retaliation claim)* Case No. 16-CV-208-JPS (April 21, 2016 Order granting motion to dismiss)

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