

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: May 25, 2018

TO: Theo Lipscomb, Sr., Chairman, County Board of Supervisors

FROM: Colleen A. Foley, Deputy Corporation Counsel

SUBJECT: *Estate of Alexander Orlowski, et al. v. Milwaukee County, et al.*; United States District Court for the Eastern District of Wisconsin Case No. 13C994

This case is a settlement to be paid by the Wisconsin County Mutual Insurance Corporation (WCMIC) in the amount of \$350,000. WCMIC's claims committee has already approved the proposed settlement, which includes the estate's attorney's fees and costs.

This is a civil rights claim brought against Milwaukee County concerning the death of Alexander Orlowski on November 22, 2007 at the House of Correction (HOC) after an initial incarceration date of August 22, 2007. The lawsuit alleges that the HOC allowed an inmate to sell his prescribed methadone to Mr. Orlowski, that the HOC failed to provide appropriate supervision and medical care for Mr. Orlowski, and that he died from using methadone. In 2013, the Estate filed a lawsuit in the Eastern District of Wisconsin where the matter was scheduled for a July 16, 2018 trial.

As noted, this settlement is recommended (and approved) by WCMIC, along with the Office of Corporation Counsel and outside counsel, Husch Blackwell. The claim falls under the WCMIC policy issued to Milwaukee County for the 2007 calendar year, which is the year of the occurrence/death. Milwaukee County had a \$1,500,000 million aggregate deductible for that policy year. Milwaukee County contributed \$88,757.40 towards the \$350,000 settlement amount and then hit its aggregate deductible. WCMIC therefore paid the remaining, post-aggregate deductible amount of \$261,242.69. It should also be noted that Milwaukee County paid \$389,123.84 in defense costs for this case, incurred before it hit its aggregate deductible.

c: Kelly Bablitch
Allyson Smith
Raisa Kolton