

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: September 27, 2019

TO: Theodore Lipscomb, Sr., Chair, Milwaukee County Board of Supervisors
Anthony Staskunas, Chair, Committee on Judiciary, Safety and General Services
James Schmitt, Chair, Committee on Finance and Audit

FROM: Anne Berleman Kearney, Deputy Corporation Counsel *ABK*

SUBJECT: Status Update on Pending Litigation¹

Civil Rights / Jail / HOC / BHD

1	<i>Estate of Laliah Swayzer v. Milwaukee County, et al.</i> (2016 death of baby born to inmate)	E.D. Wis. 16-CV-1703	Leib Knott Gaynor	Section 1983 - Failure to properly train, supervise, and formulate investigative processes	<ul style="list-style-type: none"> 12/23/2016: Complaint filed; 03/15/2017: Answer filed on behalf of County defendants; 06/12/2019: Plaintiff's motion to amend complaint granted; 07/15/2019: Extension of fact discovery deadline to this date 08/15/2019: County's summary judgment filed; awaiting response
2	<i>*Jennifer Jawson and her deceased child</i> (12/10/2016 stillborn birth by inmate)	E.D. Wis. 19-CV-1008	Leib Knott Gaynor LLC	Section 1983 – alleging deliberate indifference to medical needs including failure to deliver to methadone clinic and give medicines.	<ul style="list-style-type: none"> 04/11/2017: Notice of claim filed against Jail and Armor. 07/15/2019: Complaint filed; service pending

¹ Please note: cases listed on previous reports that include updates have text that appears in bold. New cases, previously not listed on the report appear entirely without bolding and are starred (*).

3	<i>Estate of Antonio Cowser v. Milwaukee County, et al.</i> (2012 inmate dehydration death)	E.D. Wis. 17-CV-866	Husch Blackwell	Section 1983 - Inadequate and unconstitutional health and psychological care	<ul style="list-style-type: none"> 06/21/2017: Complaint filed; 10/12/2017: County filed motion to dismiss arguing the matter is time-barred; 09/12/2018: Order granting County's motion to dismiss regarding loss of society/companionship, but denying statute of limitations defense find material facts in dispute; 09/26/2018: Answer filed; discovery proceeding 01/09/2020: Discovery closes; 02/10/2020: Dispositive motion deadline.
4	<i>Estate of Terry Williams v. Milwaukee County, et al.</i> (June 2017 death at lakefront)	E.D. Wis. 18-CV-1222	Crivello Carlson	Section 1983 –Unlawful arrest; denial of due process; deficient hiring/continued employment policy; failure to train and discipline	<ul style="list-style-type: none"> 08/09/2018: Complaint filed against County, Sheriff, and Deputy Sheriff; 11/27/2018: Answer and Motion for Judgment on the Pleadings filed; discovery suspended 04/17/2020: Discovery closes; 05/18/2020: Dispositive motion deadline.
5	<i>Estate of Michael Madden v. Milwaukee County, et al.</i> (September 2016 inmate death)	E.D. Wis. 18-CV-758	Crivello Carlson	Section 1983 – Deliberate indifference; wrongful death; negligence; excessive force; and <i>Monell</i> claim.	<ul style="list-style-type: none"> 05/17/2018: Mother of deceased filed complaint; 07/17/2018: Motion to dismiss Sheriff for lack of personal involvement denied on 3/19/2019. Discovery proceeding. 05/02/2019: Scheduling conference occurred; 08/01/2020: Discovery closes; 08/01/2020: Dispositive motion deadline.

6	<i>Estate of Kristine Fiebrink v. Milwaukee County, et al.</i> (August 2016 inmate death)	E.D. Wis. 18-CV-832	Crivello Carlson; Banks and Associates	Section 1983 – Inadequate and unconstitutional health care; negligence; and wrongful death	<ul style="list-style-type: none"> • 05/31/2018: Complaint filed; • 08/28/2018: Answer and Motion for Partial Judgment on the Pleadings filed re Sheriff and any <i>Monell</i> claims filed; • 09/11/2018: Armor moved to stay and to dismiss <i>Monell</i> and loss of society and companionship claims; • 09/13/2018: Court denied Armor’s motion to stay remaining motions are pending a ruling; • 09/24/2018: Dr. Horton moved for judgment on the pleadings, pending a ruling; • 10/16/2018: Amended Complaint filed; • 10/30/2018: Answer and Motion for Judgment on the Pleadings filed on behalf of County defendants; • 02/22/2019: Dispositive motion deadline; • Plaintiff voluntarily dismissed some defendants with County, two officers, and insurer remaining • 03/29/2019: Mediation scheduled; • 05/07/2019: Pre-trial conference scheduled; • 05/13/2019: Jury trial scheduled. • 05/03/2019: County’s motion to dismiss and motion for summary judgment granted in part, with County dismissed as well as most correctional officers but for a single officer; • Jury trial adjourned indefinitely, likely 2020.

7	<i>Christensen, et al. v. Sullivan, et al.</i>	96-CV-1835	Husch Blackwell; OCC	Jail population and health care	<ul style="list-style-type: none"> • 03/29/2018: Report by National Institute of Corrections (NIC) issued – Sheriff’s Office addressed 15 of 17; recommendations and remaining 2 recommendations being addressed – 1) staffing analysis to be completed with NIC direction and by an outside consultant and 2) policy review and update; • 09/24/2018: mediation with Armor, ACLU, Legal Aid Society before former Justice Crooks; • 10/24/2018: Hearing wherein Dr. Shansky was ordered to draft a report concerning the October 16, 2018 inspection of the Jail. • 12/03/2018: Dr. Shansky report submitted; • 02/27/2019: Status conference held; • 03/04/2019: Court entered order approving County to contract with Wellpath for medical and dental care for inmates effective 04/01/2019; • 6/17/2019: Dr. Shansky’s report filed; • 06/18/2019: Status conference held; • 11/06/2019: Status conference scheduled.

8	<i>Lloyd Johnson v. Milwaukee County, et al.</i> (Patient care at BHD)	E.D. Wis. 14-cv-1408; 7th Cir. 18-1321; 18-CV-1322	Husch Blackwell	Section 1983 – Inadequate mental health care and treatment; negligence; cruel and unusual punishment; and <i>Monell</i> claims	<ul style="list-style-type: none"> • 11/05/2014: Complaint filed; • 01/18/2018: Court dismissed case, granting County’s summary judgment motion; • 02/14/2018: Plaintiff filed appeal with the 7th Circuit; • 02/14/2018: Plaintiff also filed lawsuit in state court on negligence claims where there is a \$50,000 statutory cap for damages; status scheduled for 10/18/2019; • 04/09/2018: Mandatory 7th Circuit mediation occurred, but was ultimately unsuccessful; • 11/28/2018: Plaintiff’s appellate brief filed; • 01/04/2019: County’s appellate response brief due; • 02/22/2019: Oral argument occurred; • 03/14/2019: Post-oral argument letter filed with court; • 08/30/2019: Seventh Circuit affirmed district court’s grant of summary judgment in favor of County; only state claims remain; • \$50,000 statutory cap on state negligence claim.
9	<i>Jamie McGee v. David A. Clarke, Jr., et al.</i> (inmate in 2016)	E.D. Wis. 19-CV-707	Leib Knott Gaynor, LLC; Crivello Carlson;	Section 1983 – claims about conditions of confinement, including alleged deprivation of water, food and bedding, as inhumane treatment	<ul style="list-style-type: none"> • 05/13/2019: Complaint filed; service accepted; • 10/21/2019: Answer due.
10	<i>Robert Tatum v. Clarke, et al.</i>	E.D. Wis. 11-CV-1131	Crivello Carlson	Section 1983 – Excessive force; due process; deliberate indifference; emotional distress; and RLUIPA federal claims; and negligence; invasion of privacy; and assault & battery state claims	<ul style="list-style-type: none"> • 12/13/2011: Complaint filed; • 06/29/2012: Answer filed; • 07/23/2018: Third summary judgment motion filed, awaiting ruling. • 02/15/2019: Summary judgment granted for a dismissal of all state claims and all but four federal claims • Awaiting decision on plaintiff’s motion for reconsideration.

11	<i>Steven Sand v. Milwaukee County House of Correction, et al.</i>	E.D. Wis. 19-CV-348	OCC	Section 1983 – RLUIPA, First Amendment and <i>Monell</i> claims	<ul style="list-style-type: none"> • 03/08/2019: Complaint filed; • 04/02/2019: Answer filed; • 07/23/2019: Motion to dismiss briefed • 12/31/2019: Discovery closes; • 01/31/2020: Dispositive motion deadline.
12	<i>Adam Locke v. Schmidt, et al.</i>	E.D. Wis. 18-CV-443	OCC	Section 1983 – conditions of confinement; <i>Monell</i> claims	<ul style="list-style-type: none"> • 03/20/2018: Complaint filed; • 06/29/2018: Answer filed; • 04/01/2019: Motion for Summary Judgment filed; • Summary Judgment briefed and awaiting decision
13	<i>Marcus Wade v. Payne, et al.</i>	E.D. Wis. 18-CV-110	OCC	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 01/22/2018: Complaint filed; • 10/30/2018: Answer filed; • 03/04/2019: Discovery closes; • 06/17/2019: Motion for Summary Judgment fully briefed; awaiting court ruling.
14	<i>*Michael Wimmer v. Cory Clark</i>	E.D. Wis. 19-CV-819	Crivello, Carlson	Section 1983 - unlawful stop, seizure, detainment, and arrest by former deputy sheriff	<ul style="list-style-type: none"> • 05/31/2019: Complaint filed; • 08/08/2018: Answer filed; • Settlement reached.
15	<i>Ennis Brown v. Garth-Dickens, et al.</i>	E.D. Wis. 16-CV-241	OCC	Section 1983 – six different, unrelated claims	<ul style="list-style-type: none"> • 02/29/2016: Complaint filed; • 08/29/2016: Answer filed; • 05/07/2018: County filed motion to dismiss; • 02/27/2019: Court granted motion to dismiss but gave Plaintiff leave to file amended complaint; • 03/06/2019: Second Amended Complaint filed, pending screening by the court; • 06/11/2019: Second Amended Complaint proceeded on one claim; • 08/11/2019: Answer filed. • Discovery proceeding.
16	<i>Anthony It v. Smith</i>	E.D. Wis. 18-CV-1640	OCC	Section 1983 – excessive force	<ul style="list-style-type: none"> • 10/16/2018: Complaint filed • 06/05/2019: Service of summons on defendant; • 08/26/2019: Answer filed.

17	<i>Dante Ashley v. Jones, et al.</i>	E.D. Wis. 17-CV-1785	OCC	Section 1983 – failure to intervene	<ul style="list-style-type: none"> • 12/21/2017: Complaint filed; • 05/24/2018: Answer filed; • 10/23/2018: Case stayed pending Plaintiff’s mental health evaluation. • 02/07/2019: Competency evaluation filed with Court; awaiting recruitment of pro bono counsel.
18	<i>Antonio Smith v. Turner, et al.</i>	E.D. Wis. 17-CV-668	OCC	Section 1983 – excessive force; failure to intervene	<ul style="list-style-type: none"> • 05/11/2017: Complaint filed; • 08/07/2018: Answer filed; • Summary judgment briefing completed, awaiting decision.
19	<i>Jason Farr v. Staat, et al.</i>	E.D. Wis. 17-CV-1341	Crivello Carlson	Section 1983 – excessive force	<ul style="list-style-type: none"> • 09/29/2017: Complaint filed; • 01/08/2018: Answer filed; • 12/31/2018: County filed motion for summary judgment; • 02/11/2019: Plaintiff’s brief in opposition filed, awaiting decision • 04/11/2019: County’s opposition to plaintiff’s motion to add parties filed; • 08/13/2019: County’s motion for summary judgment granted and case dismissed with prejudice • Notice of appeal filed.
20	<i>Brent Ford Taylor v. Armor, et al.</i>	E.D. Wis. 17-CV-1519	OCC	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 11/03/2017: Complaint filed; • 06/18/2018: Answer filed; • 10/25/2018: Joint Motion to Compel or, alternatively Dismiss for failure to prosecute filed; • 11/15/2018: Plaintiff’s response brief was due, but not filed; • 04/02/2019: Status conference held; • 04/26/2019: Discovery closes; • 05/31/2019: Dispositive motion deadline • 05/31/2019: Court granted motion to stay summary judgment; • 05/31/2019: Plaintiff filed proposed amended complaint; • 06/12/2019: County defendants filed opposition to proposed amended complaint. • Awaiting recruitment of private counsel

21	<i>Alfredo Garcia v. Aikens, et al.</i>	E.D. Wis. 17-CV-1075; 7th Cir. 19-1351	Crivello Carlson	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 08/04/2017: Complaint filed; • 11/17/2017: Answer filed; • 04/20/2018: County filed summary judgment - awaiting court ruling. • 01/09/2019: Order granting motion for summary judgment; • 02/25/2019: Notice of appeal filed; • 06/03/2019: Appellant’s brief due; • 10/03/2019: County’s brief due.
22	<i>Octavius Jordan v. Hafemann, et a.</i>	E.D. Wis. 14-CV-987 7th Cir. 16-1820	Crivello Carlson	Section 1983 – conditions of confinement	<ul style="list-style-type: none"> • 08/12/2014: Complaint filed; • 01/06/2015: Answer filed; • 03/15/2016: Summary judgment granted as to County and Armor; • 04/06/2016: Notice of appeal filed; • 02/27/2017: Remanded by 7th Circuit as to County defendants only, and added for the first time a <i>Monell</i> claim; • 7/9/2018: Summary judgment as to <i>Monell</i> claim filed – pending court decision; • 9/10/2018: Summary judgment reply filed; fully briefed. • Plaintiff’s court-appointed counsel is Reinhart Boerner Van Deuren s.c.
23	<i>Anthony It v. Duckert, et al.</i>	E.D. Wis. 18-CV-1289	OCC	Section 1983 – due process, retaliation and class-of-one claims	<ul style="list-style-type: none"> • 08/21/2018: Complaint filed; • 02/21/2019: Answer filed; • 07/22/2019: Discovery deadline; • 09/19/2019: Complaint amended; • 09/09/2019: Motion to dismiss filed.
24	<i>Johnathan Wilke v. Montano</i>	E.D. Wis. 17-CV-1640	OCC	Section 1983 – due process	<ul style="list-style-type: none"> • 11/27/2017: Complaint filed; • 05/31/2018: Answer filed; • 09/14/2018: Court denied plaintiff’s motion to certify his case as a class action; • 09/14/2018: Case stayed pending resolution of his related, criminal matter. Criminal hearing occurred on 8/12/2019; expected that stay will be lifted.

25	<i>Michael Cooper v. Haw, et al.</i>	E.D. Wis. 17-CV-1461	OCC	Section 1983 – due process	<ul style="list-style-type: none"> • 10/25/2017: Complaint filed; • 03/14/2018: Answer filed; • 06/14/2018: County filed summary judgment; • 03/13/2019: Summary judgment granted in favor of defendants; • 04/10/2019: Notice of appeal timely filed; • 08/14/2019: Docketing statement filed. • 10/15/2019: Appellant brief due • 11/12/2019: Appellee (County) brief due
26	<i>James McCoy v. Hannah, et al.</i>	E.D. Wis. 17-CV-1450	OCC	Section 1983 – due process	<ul style="list-style-type: none"> • 10/23/2017: Complaint filed; • 09/17/2018: Answer filed; • 05/20/2019: Discovery closed; • Summary judgment fully briefed and awaiting decision.
27	<i>Markus Evans v. Schmidt, et al.</i>	E.D. Wis. 17-CV-1133	OCC	Section 1983 – conditions of confinement	<ul style="list-style-type: none"> • 05/01/2018: Second amended complaint filed; • 12/10/2018: Answer filed; • 02/21/2019: Proposed Third Amended Complaint filed, pending screening by the court; • 06/11/2019: Motion to file Third Amended Complaint denied; Second Amended Complaint remains; • 08/01/2019: Discovery closes; • 10/18/2019: Summary judgment due.
28	<i>Lanis Solomon v. Sobek, et al.</i>	E.D. Wis. 18-CV-1922	OCC	Section 1983 – excessive force and unreasonable search	<ul style="list-style-type: none"> • 12/06/2018: Complaint filed; • 04/08/2019: Answer filed; • 07/25/2019: Discovery closes; • 09/16/2019: Dispositive motion filed.
29	<i>Lavell Nance v. John Doe</i>	E.D. Wis. 18-CV-2025	OCC	Section 1983 – excessive force and unreasonable search	<ul style="list-style-type: none"> • 12/26/2018: Complaint filed; • 04/09/2019: Case screened only to permit discovery to identify the John Doe defendant; court ordered additional discovery to identify defendant.
30	<i>Ramon Alvarado v. Jackson</i>	E.D. Wis. 19-CV-194	OCC	Section 1983 – excessive force	<ul style="list-style-type: none"> • 02/26/2019: Complaint filed; • 07/10/2019: Answer filed.

31	<i>Ryan Garrison v. Milwaukee County</i>	E.D. Wis. 18-CV-1598	OCC	Section 1983 – conditions of confinement involving footwear; <i>Monell</i> claim;	<ul style="list-style-type: none"> • 05/20/2019: Complaint filed; • 07/20/2019: Answer filed. • 09/13/2019: Plaintiff voluntarily dismissed case.
32	<i>Bobby Ryan v. Schmidt, et al.</i>	E.D. Wis. 17-CV-1156	OCC	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 08/23/2017: Complaint filed; • 09/12/2018: County moved to dismiss for failure to prosecute; • 10/22/2018: Motion to dismiss denied without prejudice; • County is only involved to answer discovery to identify Doe defendants employed by Armor.
33	<i>Alfonzo Allen v. Novak</i>	E.D. Wis. 18-CV-1584	OCC	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 10/09/2018: Complaint filed; • 04/02/2019: Answer filed; • 08/22/2019: Discovery closes; • 08/28/2019: Plaintiff voluntarily dismissed case.
34	<i>Ivan Boyd v. Nurse Gonzalez, et al.</i>	E.D. Wis. 18-CV-1006	OCC	Section 1983 – deliberate indifference to a serious medical need	<ul style="list-style-type: none"> • 01/09/2019: Amended Complaint filed; • 03/11/2019: Answer filed; • 07/30/2019: Discovery closes; • 08/30/2019: Summary judgment filed.
35	<i>Freddie McDougal v. Berry, et al.</i>	E.D. Wis. 18-CV-1218	OCC	Section 1983 – deliberate indifference	<ul style="list-style-type: none"> • 08/08/2018: Complaint filed; • 04/02/2019: Answer filed.
36	<i>Antonio Peterson v. Montano, et al.</i>	E.D. Wis. 18-CV-1057	OCC	Section 1983 – conditions of confinement	<ul style="list-style-type: none"> • 07/11/2018: Complaint filed; • 11/30/2018: Answer filed; • 08/23/2019: Discovery extended; • 10/23/2019: Dispositive motion deadline.
37	<i>Michael Cooper v. L. Jones</i>	E.D. Wis.	OCC	Section 1983 – Retaliation and 1st Amendment	<ul style="list-style-type: none"> • 06/11/2018: Amended complaint filed; • 01/07/2019: Answer filed; • 08/22/2019: Summary judgment fully briefed.
38	<i>Anthony It v. John Does, et al.</i>	E.D. Wis. 19-CV-187	OCC	Section 1983 – due process	<ul style="list-style-type: none"> • 02/05/2019: Complaint filed; • 04/01/2019: Case screened by court only to permit discovery to identify John/Jane Doe defendants; • 09/19/2019: Answer filed.

39	<i>Ramon Alvarado v. Milwaukee County, et al.</i>	E.D. Wis. 19-CV-195	OCC	Section 1983 – due process	<ul style="list-style-type: none"> 02/06/2019: Complaint filed; 07/07/2019: Answer filed.
40	<i>Brendon McCord v. Richard Schmidt</i>	E.D. Wis. 18-CV-1311	OCC	Section 1983-due process, conditions of confinement	<ul style="list-style-type: none"> 08/24/2018: Complaint filed; 10/24/2018: Case screened only to permit discovery to identify John Doe defendants; 02/08/2019: County’s discovery filed; 05/16/2019: Answer filed; 09/05/2019: Time to file responsive pleading extended.
41	<i>Demetrius Grant v. Jane Doe</i>	E.D. Wis. 18-CV-41	OCC	Section 1983 – deliberate indifference to a serious medical need	<ul style="list-style-type: none"> 01/08/2018: Complaint filed; 02/28/2019: Case screened only to permit discovery to identify Jane Doe armor defendant.
42	<i>*Antwan Bogan v. Michael Hafemann</i>	E.D. Wis. 19-CV-331	OCC	Section 1983 – religious accommodation	<ul style="list-style-type: none"> 07/15/2019: Complaint filed.
43	<i>*Lanis Solomon v. Milwaukee County</i>	E.D. Wis. 19-CV-173	OCC	Section 1983 -conditions of confinement	<ul style="list-style-type: none"> 07/15/2019: Second Amended Complaint filed.
44	<i>*Omar Wesley v. Armor Correctional Health Services, et al.</i>	E.D. Wis. 19-CV-918	Outside counsel	Section 1983 – inadequate medical care; failure to provide medicine.	<ul style="list-style-type: none"> 06/21/2019: Complaint filed; 06/26/2019: Complaint served.
45	<i>*Michael Brooks v. Milwaukee County Sheriff’s Office, et al.</i>	E.D. Wis. 18-CV-1767	OCC	Section 1983 – conditions of confinement; deliberate indifference; inadequate medical care.	<ul style="list-style-type: none"> 11/08/2018: Complaint filed; 10/11/2019: Answer due.
46	<i>*Anthony Robinson v. Earnell Lucas</i>	E.D. Wis. 19-CV-812	OCC	Section 1983 – conditions of confinement	<ul style="list-style-type: none"> 05/30/2019: Complaint filed; 09/10/2019: Motion to dismiss filed.

47	<i>*Vondelle Over v. Nurse Supervisor Samantha, et al.</i>	E.D. Wis. 19-CV-218	OCC	Section 1983 – conditions of confinement; inadequate medical care.	<ul style="list-style-type: none"> • 02/11/2019: Complaint filed; • 09/03/2019: Motion to dismiss and answer filed.

Contract Litigation

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
48	<i>Dynamis Properties, LLC, et al. v. Milwaukee County</i>	16-CV-1379	Crivello Carlson	Breach of Contract - Parking lot near Bigg's Roadhouse	<ul style="list-style-type: none"> • 02/18/2016: Complaint filed against County related to a parking lot lease in effect from 2006 to 2015; • The lease included an "air space" provision that permitted the County and Wisconsin DOT the right of entry for maintenance and construction of the freeway, which was located next to and above the parking lot; • In 2012, construction equipment appeared in the parking lot and remained there until the DOT purchased the restaurant from Dynamis in 2015; • Dynamis seeks the \$25,568 in damages, as well as \$465,537.41 in alleged lost past business; • 10/29/2019: Mediation scheduled • 12/9/2019: jury trial scheduled.
49	<i>Innovative Masonry Restoration LLC v. Milwaukee County</i>	E.D. Wis. 18-CV-1877 (diversity)	OCC	<p>Breach of Contract – Courthouse Basement Tunnel Wall Repairs project;</p> <p>Innovative seeks at least \$202,843.47 in alleged damages, plus pre-judgment interest.</p>	<ul style="list-style-type: none"> • 11/29/2018: Complaint filed; • 12/24/2018: Answer and cross-claim filed; • 08/23/2019: Mediation occurred; • 09/27/2019: Settlement of case brought to County Board for approval • 12/06/2019: Discovery closes; • 01/31/2020: Dispositive motion deadline.
50	<i>Robert Clark v. Milwaukee County, et al.</i>	19-CV-661	Leib Knott Gaynor LLC	Breach of Contract Brought by Independent Contractor Doctor at BHD	<ul style="list-style-type: none"> • 01/22/2019: Complaint filed; • 03/15/2019: Motion to dismiss filed, pending court ruling; • 05/28/2019: Hearing on motion to dismiss scheduled; • 06/14/2019: Motion to dismiss granted; dismissed without prejudice. • 07/15/2019: Court dismissed amended complaint filed by plaintiff; • 07/17/2019: Plaintiff filed motion for reconsideration, which court denied.

Personal Injury

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
51	<i>Estate of Christopher Weber, et al. v. County of Milwaukee, et al.</i>	18-CV-9237	Law Offices of Thomas J. Donnelly	12/19/2016 vehicular death on Hoan Bridge; allegations of breach of duty related to snow accumulation/removal under County contract with State to maintain roadway, clear snow from shoulder.	<ul style="list-style-type: none"> • 04/13/2017: Notice of claim ; • 11/27/2018: Complaint filed; • 01/9/2019: Answer filed; • 01/25/2019: Amended Answer filed; • Discovery ongoing.
52	<i>Kaylan Tucker v. Villwock, et al.</i>	19-CV-1556	OCC	Auto accident involving deputy's squad	<ul style="list-style-type: none"> • 03/13/2019: Amended Complaint filed; • 04/25/2019: Answer filed; • 01/10/2020: Pretrial conference scheduled • \$250,000 statutory cap.
53	<i>Karen Brozovich v. Haas, et al.</i>	19-CV-1929	OCC	Auto accident involving DOT vehicle.	<ul style="list-style-type: none"> • 03/08/2019: Complaint filed; • 04/26/2019: Answer filed; • \$250,000 statutory cap.
54	<i>Allstate Insurance, et al. v. Milwaukee County</i>	18-CV-11861	OCC	Auto accident involving a deputy's squad	<ul style="list-style-type: none"> • 05/15/2018: Amended Complaint filed; • 06/18/2018: Answer to Amended Complaint filed; • 02/01/2019: Third-Party Complaint filed; • 02/26/2019: Answer to third-party complaint filed; • 09/13/2019: Discovery closes; • 09/16/2019: Dispositive motion deadline; • 10/22/2019: Pretrial conference scheduled; • \$250,000 statutory cap.
55	<i>Austin Addis, et al. v. Wisconsin Constructors II, LLC, et al.</i>	18-CV-9749	OCC	Negligence claim alleging black ice on I-94 Zoo Interchange on November 29, 2015	<ul style="list-style-type: none"> • 11/27/2018: Complaint filed; • 01/18/2019: Answer and cross-claim filed; • 04/10/2019: County filed motion to dismiss; • 06/11/2019: Hearing on motion to dismiss rescheduled;

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
					<ul style="list-style-type: none"> • 08/15/2019: Motion to dismiss granted; case dismissed without prejudice • \$50,000 statutory cap.
56	<i>Bernell Selders v. Clinicare Corp., et al.</i>	18-CV-7129	OCC	Slip and fall at property leased to Milwaukee	<ul style="list-style-type: none"> • 08/30/2018: Complaint filed; • 10/29/2018: Answer filed; • 05/14/2019: Status conference; • Discovery ongoing; • \$50,000 statutory cap.
57	<i>Michael Lohr, et al. v. Wisconsin County Mutual Insurance Corp.</i>	18-CV-10514	OCC	Plaintiff injured while operating a squad vehicle. County is involuntary plaintiff due to payment of health/worker's comp benefits.	<ul style="list-style-type: none"> • 12/28/2018: Complaint filed; • 03/01/2019: Answer filed; • 05/06/2019: County's demand for WC reimbursement filed.
58	<i>Michael Moss v. Milwaukee County</i>	19-CV-6012	OCC		<ul style="list-style-type: none"> • 08/05/2019: Complaint filed; • 09/23/2019: Answer filed.

Employment/Human Resources Matters²

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
59	<i>Jonette Arms v. Milwaukee County</i>	E.D. Wis. 18-CV-1835	Jackson Lewis P.C.	ADA and Title VII disability discrimination claims, as well as allegations of violations of the Rehabilitation Act concerning a failure to accommodate resulting in alleged constructive discharge	<ul style="list-style-type: none"> • 11/20/2018: Complaint filed. • 03/15/2019: Motion to dismiss briefed; • 05/01/2019: Motion to dismiss granted in part, dismissing with prejudice claim of retaliation under ADEA; • 05/21/2019: County filed motion to dismiss amended complaint; • 06/11/2019: Plaintiff filed response to motion to dismiss and proposed Second Amended Complaint; awaiting decision; • 09/23/2019: Answer filed to Second Amended Complaint.
60	<i>Dameion Perkins v. Milwaukee County, et al.</i> (Refusal to hire due to status as “Dontre Hamilton’s brother”)	E.D. Wis. 18-CV-179; 7th Cir. 18-3710	Crivello Carlson	First Amendment – Free Speech	<ul style="list-style-type: none"> • 02/01/2018: Complaint filed; • 04/04/2018: Order granting County’s motion for judgment on the pleadings on equal protection claims; • 09/14/2018: County moved for summary judgment; • 11/29/2018: Summary judgment in favor of the County; • 12/26/2018: Notice of Appeal timely filed; • 03/05/2019: Appellant’s brief filed; • 04/04/2019: Respondent’s brief due; • 05/01/2019: Reply brief filed • 08/07/2019: Oral argument occurred • 08/27/2019: Seventh Circuit affirmed district court’s grant of summary judgment for the County.

² In addition to employment matters filed in federal court, numerous complaints filed with the Equal Employment Opportunity Commission and the State of Wisconsin Department of Workforce Development – Equal Rights Division are pending. Currently, the OCC and outside counsel are, respectively, handling 39 and 10 of these cases. The OCC also handles grievance arbitrations concerning employment actions taken against employees who still possess union rights. Currently, the OCC is handling 4 grievance arbitrations. Lastly, the OCC handles many matters before the Civil Service Commission and the Personnel Review Board, the number of which fluctuates significantly from month-to-month.

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
61	<i>Douglas Felde v. Milwaukee County</i>	E.D. Wis. 18-CV-84	Jackson Lewis P.C.	Title VII sex discrimination; retaliation	<ul style="list-style-type: none"> • 01/16/2018: Complaint filed; • 07/05/2018: County filed motion to dismiss – awaiting court ruling; • 08/29/2018: Plaintiff filed expedited motion for leave to file a second amended complaint; County opposed;. • 11/16/2018: Motions denied; • 11/20/2018: Answer filed; • 11/1/2019: Discovery closes; • 11/15/2019: Dispositive motion deadline; • 04/24/2020: Final Pretrial Conference; • 05/04/2020: Jury trial scheduled.
62	<i>Kerry Washington v. Milwaukee County</i>	E.D. Wis. 19-CV-830	OCC	Title VII race discrimination	<ul style="list-style-type: none"> • 06/03/2019: Complaint filed; • 07/03/2019: Answer filed.

Pension Litigation³

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
63	<i>Tietjen v. Milwaukee County and Employees' Retirement System of the County of Milwaukee</i>	12-CV-11616; 13-CV-3154; 17-AP-2325	Lindner & Marsack; Reinhart Boerner Van Deuren s.c.	Eligibility to receive a normal retirement benefit and a backDROP benefit after termination	<ul style="list-style-type: none"> • Two cases, recently consolidated; • Cases stayed pending outcome of underlying employment litigation before the Court of Appeals; • 10/02/2018: Court of Appeals ruled in favor of County; • 11/01/2018: Tietjen filed petition for review with the Wis. Supreme Court. • 02/12/2019: Petition denied by Wisconsin Supreme Court; • 03/01/2019: Status conference held; • 03/13/2019: Order entered lifting stay and remanding to Pension Board; • 11/29/2019: Discovery closes; • 02/12/2020: Pretrial conference scheduled.
64	<i>Dennis Dietscher v. Pension Board of the Employees' Retirement System</i>	17-CV-4717; Court of Appeals No. 18-AP-518	OCC; Polsinelli	Revocation of pension benefits following misconduct in office conviction	<ul style="list-style-type: none"> • Dietscher prevailed in circuit court; • 6/25/2019: Court of Appeals affirmed the circuit court; • 07/12/2019: Dietscher filed a motion for reconsideration of denial of motion for frivolous sanctions, which was denied by the Court of Appeals on 07/17/2019; • 09/25/2019: Pension Board voted to reinstate pension benefits.
65	<i>Jennifer Aleman v. Employees' Retirement System of the County of Milwaukee</i>	18-CV-6291	OCC	Mandamus action to stop ongoing recoupment of overpayments to Jennifer Aleman. No offset of worker's compensation benefits from survivor pension benefits resulting in overpayment	<ul style="list-style-type: none"> • 09/18/2018: Mandamus action dismissed on the record, pending written decision; • 10/30/2018: Hearing as to breach of fiduciary duty claim. County's motion to dismiss denied; • 11/19/2018: Answer filed; • 05/06/2019: Mediation held and ongoing; • 05/28/2019: Mediation held and proceedings stayed

³ In addition to pension matters filed in state and federal court, numerous appeals have been filed with the Pension Board. The OCC and outside counsel, namely Reinhart, collaborate to prepare appeal materials for the Pension Board's review.

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
				of approximately \$140,000.	<ul style="list-style-type: none"> • Settlement reached and County Board approval given for File No. 19-715 • 09/25/2019: Pension Board approval given.
66	<i>Jennifer Aleman v. Employees' Retirement System of the County of Milwaukee, et al.</i>	18-CV-9215	OCC	Petition for certiorari review of the ERS' decision concerning recoupment of overpaid pension benefits	<ul style="list-style-type: none"> • 11/07/2018: Complaint and Petition filed; • 11/26/2018: Complaint and Petition served; • 12/17/2018: Answer filed; • 03/04/2019: Administrative record filed. • 05/06/2019: Mediation held and ongoing; • 05/28/2019: Mediation held and proceedings stayed • Settlement reached and County Board as well as Pension Board approval sought, File No. 19-715. • 09/25/2019: Pension Board approval given.
67	<i>Candace Hauck v. Employees' Retirement System of the County of Milwaukee, et al.</i>	19-CV-706	OCC	Petition for Writ of Mandamus concerning ADR benefits.	<ul style="list-style-type: none"> • 01/23/2019: Complaint and Petition filed; • 03/07/2019: County filed motion to dismiss; • 08/08/2019: Status conference held; • 10/04/2019: Motion to dismiss response due. • 11/15/2019: Motion to dismiss argument date.
68	<i>Willie Watkins v. Pension Board</i>	18-CV-1839; Court of Appeals No. 18-AP-2063	OCC	Ineligibility for City-County reciprocity provisions and retirement under the County's "Rule of 75" due to County employment commencing after cut-off date	<ul style="list-style-type: none"> • 09/19/2018: <i>Certiorari</i> petition denied and Pension Board decision upheld; • 10/19/2018: Plaintiff filed notice of appeal with the Wis. Court of Appeals; • 02/12/2019: Appellant's brief filed; • 04/29/2019: Respondent's brief filed, pending decision.
69	<i>Kevin Walker, et al. v. Milwaukee County, et al.</i>	15-CV-6288	Lindner & Marsack; Reinhart Boerner Van Deuren s.c.	Improperly paid survivorship benefits	<ul style="list-style-type: none"> • 10/18/2018: County filed motion for summary judgment; • 01/24/2019: Hearing on County's summary judgment motion held; • 02/04/2019: Order denying motion for summary judgment; • 03/13/2019: Status conference held;

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
					<ul style="list-style-type: none"> • 08/13/2019: Court denied cross motions for summary judgment; • 09/13/2019: Stipulation of facts due.
70	<i>Michael Hoffmann v. Milwaukee County</i>	E.D. Wis. 17-CV-524; 17-CV-11634	OCC	Incomplete purchase of prior service credit	<ul style="list-style-type: none"> • 05/10/2017: County moved to dismiss federal action; • 03/06/2019: Federal case dismissed by plaintiff; • 03/13/2019: Motion to dismiss argued; • 05/15/2019: Discovery closed; • 06/07/2019: Motion to dismiss granted in part (dismissing 42 U.S.C. Section 1983 claim) and denied in part (denying motion to dismiss estoppel claim); • 08/29/2019: Mediation scheduled; • 09/25/2019: Pension Board approved settlement; • Settlement approval sought from County Board.

Miscellaneous Litigation

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
71	<i>Milwaukee County v. Amerisourcebergen Drug Corp, et al.</i> (Opioid Litigation)	E.D. Wis. 18-CV-403 (Transferred case) 17-MD-2804 (Lead MDL Case)	Mallery & Zimmerman, et al.	Public Nuisance; RICO; Deceptive Trade Practices; Negligence, Negligent Misrepresentation; Negligence per se; Fraud; Fraudulent Misrepresentation; Unjust enrichment	<ul style="list-style-type: none"> • 03/14/2018: Complaint filed; • 04/11/2018: Transferred to N.D. Ohio for inclusion in Multi-District Litigation Case No. 2804; • 09/26/18: Pretrial conference in Chicago; • 12/17/2018: Discovery responses from the County completed; • 03/16/2019: Deadline to amend complaint; • 08/06/2019: Court held a “fairness hearing” to determine whether to certify a negotiating class of political subdivisions, which includes cities and counties; • 09/19/2019: Court entered order certifying negotiating class and naming Milwaukee County as one of the negotiating class representatives.
72	<i>In the Matter of the Burial Site Disturbance Permit Application of Froedtert Hospital</i>	State of Wisconsin – Division of Hearings and Appeals Case No. SHS-13-0001	OCC	Miscellaneous Litigation	<ul style="list-style-type: none"> • Petition granted by the State.
73	<i>William Brown v. Milwaukee County</i>	18-CV-7416	OCC	Declaratory judgment/injunction re public records request	<ul style="list-style-type: none"> • 09/06/2018: Complaint filed; • 10/02/2018: Answer filed; • 11/13/2018: Petitioner filed brief in support of cause of action under Wis. Stat. section 19.356; • 12/13/2018: County filed opposition brief, awaiting court ruling.
74	<i>Manjinder Kaur v. Milwaukee County</i>	18-CV-10259	OCC	Declaratory judgment re public records request	<ul style="list-style-type: none"> • 12/17/2018: Complaint filed; • 02/01/2019: Answer filed; • 04/17/2019: County’s brief opposing action filed; • 07/22/2019: Decision denying mandamus petition.

Claims That Have Yet to Be Filed in Court

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
75	<i>Estate of Jose L. Torres, Jr.</i>	Notice of Claim	OCC	10/27/2017 inmate death	<ul style="list-style-type: none"> 02/23/2018: Notice of claim filed concerning claims against Milwaukee County and Armor Correctional Health Services, Inc. for inadequate medical care and staffing. 01/09/2019: In-custody death report completed.
76	<i>Estate of Clarence Wilson, Jr.</i>	Notice of Claim	OCC	08/29/2017 inmate death	<ul style="list-style-type: none"> 12/22/2017: Notice of claim filed concerning claims against Milwaukee County and Armor Correctional Health Services, Inc. for deliberate indifference to serious medical needs
77	<i>Estate of Brian Keith Collins</i>	Notice of Injury	OCC	12/18/2018 inmate death	<ul style="list-style-type: none"> 03/22/2018: Notice of injury filed concerning claims against Milwaukee County and Armor Correctional Health Services, Inc. for negligence and deliberate indifference to serious medical needs
78	<i>Nicholas D. Beaudin</i>	Notice of Injury	OCC	01/25/2019 death of wife Carlie J Beaudin	<ul style="list-style-type: none"> 05/20/2019: Notice of injury filed concerning fatal injuries sustained by his wife, Carlie J Beaudin while in Parking structure located in the Froedtert Hospital Campus.
79	<i>Brian Kreuzinger, et al.</i>	Notice of Claim	OCC	Class action regarding Estabrook dam	<ul style="list-style-type: none"> 07/09/2018: This is the follow-up companion case to the <i>Riverkeeper</i> case noted above. Damages will likely be for diminution in property value due to the demolition of the dam.
80	<i>Paula McEwen</i>	Notice of Claim	OCC	06/11/2017 passenger of vehicle involved in lakefront shooting	<ul style="list-style-type: none"> 10/05/2017: Notice of claim filed by passenger of the vehicle driven by Terry Williams. Mr. Williams fled a traffic stop on 6/11/17 on N. Lincoln Memorial Dr. Mr. Williams was ultimately shot and killed by a deputy sheriff. Ms. McEwen was also shot and injured by said deputy.