

**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: Claim and Litigation Settlement Informational Report

Pursuant to the Office of Corporation Counsel's June 7, 2018 Legal Opinion, the County has delegated settlement authority to WCMIC through its insurance contract. However, to ensure that the Board is fully aware of all such settlements, the Office of Corporation Counsel ("OCC") reports on a monthly basis all WCMIC-controlled litigation settlements and WCMIC-controlled claim resolutions that exceed \$500.00¹ for which information is presently available. In addition, when applicable, this report will include resolutions of legal disputes covered under other County insurance policies. In this report as well, Supervisors will find a listing of the resolution of legal claims where the County was a plaintiff, which do not require County Board approval under applicable statutes as well as legal claims that require the County Board's approval (with the corresponding file number) of any resolution. Further, settlement negotiations in other cases may be ongoing, but not yet reported here given the dynamic nature of litigation and settlement. The intent of this report is to ensure that Supervisors have a complete picture of all legal claim settlements or other resolutions, regardless of the Board's authority over those resolutions.

¹ Pursuant to Milwaukee County Ordinance section 1.11(c)(4)2.(d) and Wis. Stat. section 59.52(12)(b), resolutions to litigation and claims resulting in payment of \$500 or less will be reported to the Board annually.

1. WCMIC-Controlled Litigation Settlements

| <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Settlement Amount</u> | <u>Claim Year</u> | <u>Payor</u> |
|-------------------------------------|--|------------------|---|--------------------------|---------------------|------------------|
| <i>Michael Wimmer v. Cory Clark</i> | E.D. Wis. 19-CV-819 and Wis. State Court 19-CV-5009 | Crivello Carlson | Section 1983 suit– unlawful stop, seizure, detainment, and arrest by former deputy sheriff; open records request suit | \$18,000 | 2016 and 2019 | Milwaukee County |

2. WCMIC-Controlled Claim Resolutions

None this cycle.

3. Settlements Covered Under Other Insurance Policies

None this cycle.

4. Settlements Where County Is Plaintiff

None this cycle.

5. Settlements Pending Where County Board Approval Is Required (with corresponding File No.)

| <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Settlement Amount</u> | <u>Claim Year</u> | <u>Payor</u> | <u>File No.</u> |
|---|----------------------|-------------|--|--------------------------|-------------------|-------------------|-----------------|
| <i>Hoffmann v. Milwaukee County and WCMIC</i> | Case No. 17-CV-11634 | OCC | Breach of contract and estoppel claims related to service credit purchase for pension benefit amount | Adjusted pension benefit | 2017 | ERS Pension trust | 19-801 |

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| <i>Innovative Masonry Restoration LLC v. Milwaukee County</i> | E.D. Wis. Case No. 18-1877 (diversity) | OCC | Breach of contract- Courthouse basement tunnel wall repair project | \$120,000 | 2017 | County (DAS) | 19-798 |