

MILWAUKEE COUNTY
OFFICE OF CORPORATION COUNSEL

DATE: February 21, 2020

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

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
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; • 12/09/2019: Summary judgment fully briefed.

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 (*).

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
2	<i>Estate of the Unborn child of Jennifer Jawson et al. v. Milwaukee County et al.</i> (12/10/2016 stillborn birth by inmate)	E.D. Wis. 19-CV-1008	Hansen Reynolds 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; • 01/30/2020: Motion to dismiss by County fully briefed; • 02/06/2020: Motion to bifurcate and stay discovery filed by County.
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: Motion for Summary Judgment on statute of limitations filed by County; • 02/26/2020: Mediation scheduled.
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; • 10/24/2019: Motion for withdrawal of counsel for plaintiff pending; • 04/17/2020: Discovery closes; • 05/18/2020: Dispositive motion deadline.

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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; • 11/27/2019: Answer filed by County to amended complaint; • 08/01/2020: Discovery closes; • 08/01/2020: Dispositive motion deadline.

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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 scheduled – 02/10/2020; • 01/15/2020: Trial Motions due; • 01/28/2020: Final Pre-trial Conference • 02/18/2020: Settlement reached and case dismissed.

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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; • 11/22/2019: Status conference occurred; • 05/19/2020 – 05/27/2020: Dr. Shansky visit scheduled.

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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; • 12/02/2019: Plaintiff filed writ of certiorari with United States Supreme Court; • 01/06/2020: Status conference scheduled; • 02/03/2020: Brief in opposition to Certiorari filed by County; • 02/18/2020: Plaintiff’s reply brief in support of petition for certiorari filed. • \$50,000 statutory cap on state negligence claim.

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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; In process of briefing motion to dismiss.
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; 11/11/2019: Reconsideration denied; one due process claim remaining; 11/25/2019: Status hearing; 03/31/2020: Pre-trial conference scheduled; 04/16/2020: Trial scheduled on due process claim.
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; 11/18/2019: Motion to dismiss granted in part; denied in part; Discovery continued; Dispositive motion deadline continued.

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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 briefed; awaiting court ruling; • 02/07/2020: Summary judgment granted; case dismissed.
14	<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. • 01/06/2020: Motion to amend complaint granted; • 01/09/2020: Plaintiff’s motion to compel denied; costs awarded to County; • 02/20/2020: Answer to amended complaint filed.

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15	<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; • 01/30/2020: County’s motion for summary judgment filed.
16	<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; • 03/02/2020: Summary judgment due.
17	<i>Antonio Smith v. Turner, et al.</i>	E.D. Wis. 17-CV-668; 7 th Cir. 19-3185	OCC	Section 1983 – excessive force; failure to intervene	<ul style="list-style-type: none"> • 05/11/2017: Complaint filed; • 08/07/2018: Answer filed; • 09/30/2019: Summary judgment granted; • 11/01/2019: Notice of appeal filed, pending filing fee issues.
18	<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 • 8/26/2019: Notice of appeal filed; awaiting briefing schedule; • 12/11/2019: Court of Appeals dismissed appeal.

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19	<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
20	<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 appellee brief filed; • 12/19/2019: Court of Appeals affirmed summary judgment for County.

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21	<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.; • 12/03/2019: Mediation occurred but no resolution; • 04/02/2020: Pre-trial conference scheduled; • 04/20/2020: Trial scheduled.
22	<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; • 12/16/2019: Motion to dismiss granted in part; denied in part; • Discovery proceeding.
23	<i>Anthony It v. Milwaukee County</i>	E.D. Wis. 19-CV-779	OCC	Section 1983 – EMTALA, <i>Monell</i> claim	<ul style="list-style-type: none"> • 05/24/2019: Complaint filed; • 09/10/2019: Answer filed; • Discovery proceeding; • 04/13/2020: Dispositive Motion due.

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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; • 02/11/2020: Motion to lift stay and amend complaint filed.
25	<i>Michael Cooper v. Haw, et al.</i>	E.D. Wis. 17-CV-1461; 7 th Cir. 19-1661	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 filed; • 12/10/2019: County’s appellee brief filed; • 02/05/2020: Appeal fully briefed.
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; • 11/12/2019: Summary judgment fully briefed and awaiting decision.

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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; • 10/24/2019: Summary judgment filed and awaiting decision.
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: Summary judgment filed; awaiting decision.
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; • 02/19/2020: Case dismissed without prejudice for want of prosecution.
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; • 12/17/2019: Motion to amend complaint pending.
31	<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.

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32	<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; awaiting decision; 01/30/2020: Summary judgment granted for County.
33	<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; Discovery proceeding.
34	<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; 11/12/2019: Summary Judgment fully briefed; awaiting decision.
35	<i>Michael Cooper v. L. Jones</i>	E.D. Wis. 17-CV-1461	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; awaiting decision.
36	<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; 04/13/2020: Dispositive motion deadline.
37	<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; 12/17/2019: Motion to amend complaint pending.

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38	<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; • 02/17/2020: Discovery cutoff; • 03/16/2020: Dispositive motion deadline.
39	<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.
40	<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; • 10/07/2019: Answer filed; • Discovery proceeding.
41	<i>Omar Wesley v. Armor Correctional Health Services, et al.</i>	E.D. Wis. 19-CV-918	Crivello Carlson	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; • 07/16/2019: County answer filed; • 09/26/2019: County answer to intervenor American Country Insurance Company filed; • Discovery proceeding.
42	<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 filed; • 10/31/2019: Amended complaint filed; • 11/21/2019: Answer to amended complaint filed; • Discovery proceeding.

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43	<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; 11/12/2019: Motion granted and plaintiff ordered to replead by this date; 12/18/2019: Court order dismissing Sheriff; naming corrections officer; 02/03/2020: Answer filed.
44	<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; 12/19/2019: Court denied motion to dismiss; Discovery proceeding.
45	<i>*Rabbi Milchtein, et al. v. Anderson, et al.</i>	E.D. Wis. 19-CV-1834	OCC	Section 1983 – due process; free exercise of religion; <i>Monell</i> claims	<ul style="list-style-type: none"> 12/15/2019: Complaint filed; 03/10/2020: Responsive pleading due.
46	<i>*Christopher Brown v. Hafemann</i>	E.D. Wis. 19-CV-1303	OCC	Section 1983 – excessive force; deliberate indifferent	<ul style="list-style-type: none"> 09/09/2019: Complaint filed; 11/21/2019: Case screened requiring exchange of pertinent documentation to assist in identification of Doe defendants; 02/21/2020: Deadline for plaintiff to identify Does.
47	<i>*Kendall Blade v. Armor, et al.</i>	E.D. Wis. 19-CV-776	OCC	Section 1983 – inadequate medical care	<ul style="list-style-type: none"> 12/30/2019: Complaint filed; Request for County to identify Does.
48	<i>*Rickey Harris v. Emmanuele, et al.</i>	E.D. Wis. 18-CV-813; 7th Cir. 19-3548	OCC	Section 1983 – illegal strip search	<ul style="list-style-type: none"> 02/05/2019: Case dismissed for failure to prosecute; 09/12/2019: Motion to reopen filed by Harris; 12/19/2019: Order denying motion to reopen; 12/30/2019: Notice of appeal filed.

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49	<i>*Lamonte Ealy v. Griffin, et al.</i>	E.D. Wis. 19-CV-1630	OCC	Section 1983 -	<ul style="list-style-type: none"> • 11/06/2019: Complaint filed; • 11/26/2019: Case closed; • 12/16/2019: Notice of Appeal filed; • 12/18/2019: Motion to alter judgment denied.
50	<i>*John Key v. Milwaukee County Jail</i>	E.D. Wis. 19-CV-735	OCC	Section 1983 -	<ul style="list-style-type: none"> • 05/16/2019: Complaint filed; • 12/06/2019: Notice of Appeal filed; • 01/13/2020: Plaintiff to file amended complaint or dismissal.
51	<i>*Jeranek Diaz v. CO Ndina</i>	E.D. Wis. 18-CV-2015	OCC	Section 1983 -	<ul style="list-style-type: none"> • 11/04/2019: Complaint filed; • 11/25/2019: Acceptance of service; • 01/03/2020: Answer filed
52	<i>*Lamarray Chase v. Milwaukee County Jail, et al.</i>	E.D. Wis. 18-CV-594	OCC	Section 1983 -	<ul style="list-style-type: none"> • 04/16/2018: Complaint filed; • 12/09/2019: Answer filed; • Awaiting scheduling order; • Discovery proceeding.
53	<i>*Asua Buie v. Hafeman, et al.</i>	E.D. Wis. 18-CV-1824	OCC	Section 1983 – Retaliation	<ul style="list-style-type: none"> • 11/19/2018: Complaint filed; • 10/09/2019: Case screened by court – DUE: 12/08/2019; • 02/03/2020: Plaintiff to name John Does (failed to name John Does).
54	<i>*Frederick Young v. Capt Hutchins, et al.</i>	E.D. Wis. 18-CV-967	OCC	Section 1983 -	<ul style="list-style-type: none"> • 06/26/2018: Complaint filed; • 02/05/2020: Case screened by court.
55	<i>*Arron Bowens v. Officer Howeled, et al.</i>	E.D. Wis. 19-CV-1540	OCC	Section 1983 -	<ul style="list-style-type: none"> • 02/03/2020: Amended Complaint filed; • 02/03/2020: Case screened by court.

Contract Litigation

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
56	<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 occurred; • Settlement approved by County Board; • 2/20/2020: Stipulation of dismissal filed by parties.
57	<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. • Federal regulatory appeal proceeding.

Personal Injury

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
58	<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; • 01/06/2020: Motion for summary judgment filed by County.
59	<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; • 02/19/2020: Mediation scheduled; • 04/06/2020: Pretrial conference scheduled; • \$250,000 statutory cap.
60	<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; • 01/23/2020: Settlement reached; stipulation and dismissal entered; • \$250,000 statutory cap.
61	<i>Allstate Insurance, et al. v. Milwaukee County</i>	17-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;

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
					<ul style="list-style-type: none"> • 03/09/2020: Trial scheduled. • \$250,000 statutory cap.
62	<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; • 11/22/2019: Summary judgment filed; • 01/23/2020: Summary judgment granted; awaiting written order. • \$50,000 statutory cap.
63	<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; • 01/22/2020: Case dismissed pursuant to settlement.
64	<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; • 11/26/2019: Motion for judgment on pleadings filed; • 01/22/2020: Motion for judgment on pleadings granted; dismissed.
65	<i>*Gassan Abuaziz v. Milwaukee County House of Correction</i>	19-CV-9393	OCC	Slip and fall at the House of Correction	<ul style="list-style-type: none"> • 12/10/2019: Complaint filed; • 02/21/2020: Responsive pleading due.

Employment/Human Resources Matters²

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
66	<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.
67	<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: Summary judgment motion filed. • 04/24/2020: Final Pretrial Conference; • 05/04/2020: Jury trial scheduled.

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. 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>
68	<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; • 12/20/2019: Motion to dismiss fully briefed; awaiting decision; • 01/14/2020: Motion to dismiss granted in part and denied in part; • 02/04/2020: Plaintiff's amended complaint due.

Pension Litigation³

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
69	<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; • Discovery deadline to be extended; • 02/12/2020: Pretrial conference scheduled.
70	<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.

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>
71	<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; • 08/13/2019: Court denied cross motions for summary judgment; • 09/13/2019: Stipulation of facts due; • 12/30/2019: Additional briefing due; • 01/06/2020: Court hearing on whether plaintiff’s counsel can be advocate and witness in open records hearing; • 02/05/2020: Brief filed in response to court’s inquiry whether <i>Baldwin v. Milwaukee County</i>, 382 Wis. 2d 145 (Ct. App. 2018) applies to this matter.
72	<i>*Luz Vazquez v. Employees’ Retirement System</i>	20-CV-1113	OCC	Certiorari Review	<ul style="list-style-type: none"> • 02/13/2020: Petition for Writ of Certiorari filed • 03/04/2020: Responsive pleading due

Miscellaneous Litigation

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
73	<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.
74	<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.
75	<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.

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
76	<i>*MDSA, et al. v. Milwaukee County, et al.</i>	19-CV-8566	OCC	Declaratory judgment/injunction re public records request	<ul style="list-style-type: none"> • 11/07/2018: Complaint filed; • 02/18/2020: Scheduling Conference.
77	<i>*Brian Kreuzinger, et al.</i>	E.D. Wis. 19-CV-01747	Crivello Carlson	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; • 11/27/2019: Lawsuit filed; • 02/10/2020: Answer filed.
78	<i>*Fang v. Housing Authority</i>	20-SC-003011	OCC	Contract case in small claims court	<ul style="list-style-type: none"> • 01/24/2020: Complaint filed.

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>
79	<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.
80	<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
81	<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
82	<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.
83	<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.
84	<i>Milwaukee Deputy Sheriff's Office</i>	Notice of Claim	OCC	Action for benefits	<ul style="list-style-type: none"> 10/17/2019: Milwaukee Deputy Sheriff's Association claiming eligibility for Rule of 75 benefits.
85	<i>*Veronica Watkins</i>	Notice of Injury	OCC	01/25/2020 auto accident involving deputy sheriff	<ul style="list-style-type: none"> 02/10/2020: Notice of injury filed by passenger in car for injuries and damage where driver killed, deputy sheriff involved accident.