

**MILWAUKEE COUNTY
OFFICE OF CORPORATION COUNSEL**

DATE: June 17, 2020

TO: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors
Anthony Staskunas, Chair, Committee on Judiciary, Safety and General Services
Jason Haas, 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 (*).

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| 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; • Discovery ongoing. |
| 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 occurred and settlement discussions continue; • 05/06/2020: Settlement reached and dismissal entered. |

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| 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; • 07/21/2020: Deadline by court order to retain counsel or case will be dismissed without prejudice. |
| 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; • 06/19/2020: Mediation scheduled; • 08/01/2020: Discovery closes; • 08/01/2020: Dispositive motion deadline. |

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| 6 | <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; • 06/17/2019: Dr. Shansky’s report filed; • 06/18/2019: Status conference held; • 11/22/2019: Status conference occurred; • October 2020: Dr. Shansky visit scheduled; • October 1, 2020: Status conference scheduled. |

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| 7 | <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 | Hansen Reynolds | 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; • 03/09/2020: Writ of Certiorari denied; • 06/05/2020: Hearing on plaintiff’s motion for leave to file amended state court complaint; • 06/10/2020: Proposed order declined; • 09/04/2020: Calendar call scheduled. • \$50,000 statutory cap on state negligence claim being challenged. • Request to Offer Judgment to plaintiff in the amount of \$50,001.00 sought from County Board. |

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| 8 | <i>Jamie McGee v. David A. Clarke, Jr., et al.</i> (inmate in 2016) | E.D. Wis. 19-CV-707 | Leib Knott Gaynor, LLC; | 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; • Motion to dismiss fully briefed. • Discovery to begin. |
| 9 | <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; • Trial scheduled for 04/16/2020 adjourned; • 07/20/2020: Status Conference scheduled to identify new trial date. |
| 10 | <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; • 06/01/2020: Discovery deadline extension; • 07/01/2020: Dispositive motion deadline extension. |

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| 11 | <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; • 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; • Discovery proceeding; • 07/27/2020: Deposition scheduled; • 08/25/2020: Summary judgment due. |
| 12 | <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; • 04/02/2020: Summary Judgment fully briefed. |
| 13 | <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 filed. |

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| 14 | <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; • 03/12/2020: Initial partial filing fee received. • 04/15/2020: Docketing statement filed. |
| 15 | <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; • 02/28/2020: Plaintiff’s motion for the appointment of counsel denied; • 05/15/2020: Summary judgment motion filed. |

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| 16 | <i>Octavius Jordan v. Hafemann, et al.</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; • 03/17/2020: 04/02/2020 Pre-trial conference and 04/20/2020 Trial continued; court will reschedule when it is safe to hold in-person hearings. |
| 17 | <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; • 05/01/2020: Extended deadline for discovery; • 06/01/2020: Extended deadline for summary judgment; • 06/30/2020: Extended deadline for discovery; • 07/30/2020: Extended deadline for summary judgment. |

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| 18 | <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; • 05/28/2020: Extended deadline for discovery; • 06/29/2020: Extended deadline for summary judgment. |
| 19 | <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; • 03/23/2020: Plaintiff’s reply brief filed; • 04/15/2020: Plaintiff’s motion to lift stay granted, motion to amend complaint denied; • 08/17/2020: Discovery closes; • 09/18/2020: Dispositive motion due. |
| 20 | <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; awaiting decision. |

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| 21 | <i>Lanis Solomon v. Sobek, et al.</i> | E.D. Wis. 18-CV-1922 7th Cir. 20-1679 | 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; • 03/27/2020: Summary judgment granted in favor of County defendant. • 04/24/2020: Notice of appeal filed; • 05/21/2020: County's docketing statement filed. |
| 22 | <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. |
| 23 | <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. |
| 24 | <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. |
| 25 | <i>Michael Cooper v. L. Jones</i> | E.D. Wis. 18-CV-407 | 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; • 03/13/2020: Summary judgment granted in favor of County defendant. |

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| 26 | <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; • 04/13/2020: Extended deadline for discovery; • 06/15/2020: Extended deadline for summary judgment. |
| 27 | <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. |
| 28 | <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: Summary judgment motion filed. |
| 29 | <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; • 05/11/2020: Summary judgment motion filed. |
| 30 | <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. |

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| 31 | <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 – extension granted; • 07/01/2020: Dispositive motion due. |
| 32 | <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; • Discovery proceeding; • 07/28/2020: Discovery closes; • 08/28/2020: Dispositive motion due. |
| 33 | <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 – extension granted; • 07/09/2020: Dispositive motion due. |
| 34 | <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 filed; • 05/27/2020: Reply brief filed. |
| 35 | <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; • 06/22/2020: Deadline for plaintiff to identify Does. |

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| 36 | <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; • 03/19/2020: Docketing statement filed; • 05/07/2020: Appellant brief filed; • 06/22/2020: County’s Appellee brief due. |
| 37 | <i>Lamonte Ealy v. Griffin, et al.</i> | E.D. Wis. 19-CV-1630 7th Cir. 19-3454 | 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; • 05/04/2020: Court of Appeals affirmed failure to state a claim at screening of complaint. |
| 38 | <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; • 02/12/2020: Amended complaint filed; • 06/01/2020: Answer to amended complaint filed; • 10/02/2020: Discovery closes; • 11/02/2020: Dispositive motion due. |
| 39 | <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; • Discovery proceeding; • 07/22/2020: Discovery deadline extended; • 08/24/2020: Dispositive motion deadline. |

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| 40 | <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; • 08/31/2020: Discovery extended for purpose of properly identifying Doe defendants. |
| 41 | <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); • Discovery proceeding – extension granted; • 05/02/2020: Motion to compel discovery and extend discovery deadline or in the alternative, to dismiss for failure to prosecute filed. |
| 42 | <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; • 04/06/2020: Answer filed; • 08/06/2020: Discovery closes; • 09/07/2020: Dispositive motion due. |
| 43 | <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; • 04/03/2020: Answer filed; • 08/04/2020: Discovery closes; • 09/03/2020: Dispositive motion due. |
| 44 | <i>Highshaw, Herman v. Officer Martin, et al.</i> | E.D. Wis. 19-CV-1547 | OCC | Section 1983 - | <ul style="list-style-type: none"> • 10/22/2019: Complaint filed; • 04/01/2020: Case screened by court; • 04/16/2020: Milwaukee County accepted service on behalf of County defendants; • 06/01/2020: Answer filed. |

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| 45 | <i>Jones, Darious v. Michael Hafemann, et al.</i> | E.D. Wis. 18-CV-1896 | OCC | Section 1983 - | <ul style="list-style-type: none"> • 12/04/2018: Complaint filed; • 02/19/2020: Case screened by court; • 03/26/2020: Deadline to respond to plaintiff's discovery regarding the identification of John Does; • 07/06/2020: Deadline for plaintiff to identify Doe. Failure to do so will result in the case being dismissed for failure to prosecute. |
| 46 | <i>Ball, Stephen v. Captain Subek</i> | E.D. Wis. 18-CV-1292 | OCC | Section 1983 - | <ul style="list-style-type: none"> • 08/22/2018: Complaint filed; • 02/19/2020: Case screened by court; • 04/20/2020: Answer due; • 04/16/2020: Answer filed; • 08/20/2020: Discovery deadline; • 09/21/2020: Dispositive motion deadline. |
| 47 | <i>Huertas, Nehemias v. CO Waite, et al.</i> | E.D. Wis. 19-CV-592 | OCC | Section 1983 - | <ul style="list-style-type: none"> • 02/19/2020: Amended Complaint filed; • 02/19/2020: Case screened by court; • 04/20/2020: Answer due; • 04/20/2020: Answer filed; • 05/20/2020: Motion to amend complaint filed. |
| 48 | <i>McClelland, Wynette v. Earnell Lucas, et al.</i> | E.D. Wis. 20-CV-366 | OCC | Section 1983 – Fourteenth Amendment | <ul style="list-style-type: none"> • 05/08/2020: Second Amended Complaint filed; • 05/14/2020: Case screened by court; • 07/13/2020: Answer due. |
| 49 | <i>Lee, Lavall v. Milwaukee County Jail, et al.</i> | E.D. Wis. 19-CV-614 | OCC | Section 1983 - Monell claims | <ul style="list-style-type: none"> • 11/15/2019: Amended Complaint filed; • 05/11/2020: Case screened by court; • 07/10/2020: Answer due. |
| 50 | <i>Green, Marquis v. Officer Carisen, et al.</i> | E.D. Wis. 20-CV-430 | OCC | Section 1983 – failure to protect | <ul style="list-style-type: none"> • 03/19/2020: Complaint filed; • 05/15/2020: Complaint screened by court; • 07/14/2020: Answer due. |

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|--|---------------------|-------------|--|--|
| 51 | <i>McShane, Cornelius v. Deputy Supervisor Mark Pawlak, et al.</i> | E.D. 20-CV-717 | OCC | Section 1983 – Fourth Amendment | <ul style="list-style-type: none"> • 05/11/2020: Complaint filed; • 05/27/2020: Case screened by court; • 07/27/2020: Answer due. |
| 52 | <i>Birkley, Syris v. Jackson, et al.</i> | E.D. Wis. 20-CV-497 | OCC | Section 1983 – excessive force; denial of medical care | <ul style="list-style-type: none"> • 03/27/2020: Complaint filed; • 06/03/2020: Case screened by court; • 08/03/2020: Answer due. |

Contract Litigation

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|---|--------------------|-----------------------|--|---|
| 53 | <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. • 03/24/2020: Federal regulatory appeal proceeding concluded; declined to make changes as requested by appellant. • Matter is dismissed and closed. |

Personal Injury

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|---|--------------------|-----------------------------------|---|--|
| 54 | <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; • 05/28/2020: Telephone conference held; • 06/01/2020: Hearing scheduled; • 06/25/2020: Hearing rescheduled. |
| 55 | <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; • Mediation to be rescheduled; • 04/06/2020: Pretrial conference proceeded by video conference; • 05/12/2020: Status conference scheduled; • 05/19/2020: Mediation scheduled; • 07/31/2020: Status Conference scheduled; • 09/14/2020: Trial scheduled. • \$250,000 statutory cap. |
| 56 | <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 - delayed; • 08/26/2020: Trial scheduled. • \$250,000 statutory cap. |
| 57 | <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; • 02/18/2020: Order granting summary judgment in favor of County defendant. • \$50,000 statutory cap. |
| 58 | <i>Michael Moss v. Milwaukee County</i> | 19-CV-6012 Court of Appeals No. 20-AP-558 | 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; • 03/20/2020: Notice of Appeal filed; • 06/08/2020: Appellant's brief filed; • 07/08/2020: Respondent's brief due. |
| 59 | <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; • 04/07/2020: Scheduling conference held; • 02/16/2021: Pretrial conference scheduled. |
| 60 | <i>Whitford, Scott, et al. v. Wisconsin County Mutual</i> | 20-CV-1329 | OCC | Accident while plowing | <ul style="list-style-type: none"> • 02/18/2020: Complaint filed; • 04/09/2020: Answer filed; • 05/05/2020: Scheduling conference held; |

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|--|--------------------|-------------|-----------------------------------|--|
| | <i>Insurance Company, et al.</i> | | | | <ul style="list-style-type: none"> • 06/17/2020: Scheduling conference scheduled. |
| 61 | <i>Cmelak, Benjamin, et al. v. Wisconsin County Mutual Insurance Company, et al.</i> | 20-CV-1276 | OCC | Accident involving deputy sheriff | <ul style="list-style-type: none"> • 02/14/2020: Complaint filed; • 05/18/2020: Scheduling conference held; • 05/19/2020: Jury demand filed; • 01/22/2021: Pre-trial conference scheduled. |

Employment/Human Resources Matters²

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|---|----------------------|--------------------|--|---|
| 62 | <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; • Discovery proceeding; • 08/30/2020: Discovery closes; • 09/18/2020: Dispositive motions /Daubert motions due. |

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. 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> |
|----|---|---------------------|--------------------|---|---|
| 63 | <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; • Final Pretrial Conference and Jury Trial adjourned; • 05/15/2020: Status Conference occurred; no trial date currently scheduled. |
| 64 | <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 filed; • Discovery proceeding; • 06/12/2020: Deposition held; • 07/31/2020: Dispositive motion due. |

Pension Litigation³

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|--|---|--|---|--|
| 65 | <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; • Pretrial conference date to be extended; • 07/16/2020: Final Pretrial scheduled. |
| 66 | <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; |

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> |
|--|------------------|--------------------|-------------|--------------------|---|
| | | | | | <ul style="list-style-type: none"> • 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; • 07/01/2020: Hearing scheduled. |

Miscellaneous Litigation

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|--|--|-----------------------------|--|--|
| 67 | <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. |
| 68 | <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. |
| 69 | <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; • 03/18/2020: Plaintiff’s Brief in Support of Non-Disclosure of Records filed; • 04/20/2020: Defendant’s Brief in Support of Disclosure of Records filed; • 05/11/2020: Plaintiff’s reply brief filed. |

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|---|----------------------|------------------|--|--|
| 70 | <i>MDSA, et al. v. Milwaukee County, et al.</i> | 20-CV-1215 | OCC | Declaratory judgment re public records | <ul style="list-style-type: none"> • 02/13/2020: Complaint filed; • 03/23/2020: Answer filed; • 05/28/2020: Scheduling conference held; • 07/29/2020: Hearing scheduled. |
| 71 | <i>Brian Kreuzinger, et al.</i> | E.D. Wis. 19-CV-1747 | 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; • Discovery proceeding; • 05/22/2020: Brief in opposition of motion to certify class filed. |
| 72 | <i>Fang v. Housing Authority</i> | 20-SC-3011 | OCC | Contract case in small claims court | <ul style="list-style-type: none"> • 01/24/2020: Complaint filed; • 02/18/2020: Return date; • 03/10/2020: Motion to dismiss granted; • 03/19/2020: Order for dismissal filed. |
| 73 | <i>Skrede, Tami v. Milwaukee County Highway</i> | 20-SC-6162 | OCC | Damages case in small claims court | <ul style="list-style-type: none"> • 02/24/2020: Complaint filed; • 03/25/2020: Motion to dismiss by County fully briefed; • 06/15/2020: Return date; • 07/20/2020: Hearing date scheduled. |
| 74 | <i>Byron Rachow v. Milwaukee County</i> | 20-CV-1852 | OCC | Declaratory Judgment action for reimbursement of medical expenses. | <ul style="list-style-type: none"> • 03/06/2020: Complaint filed; • 05/04/2020: Answer filed; • 06/03/2020: Scheduling conference held; • 01/21/2021: Pretrial conference scheduled. |

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"> 03/22/2019: 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 | Hansen Reynolds LLC | 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; 06/05/2020: There has been an outside resolution related to this matter, therefore, the Notice of Injury against Milwaukee County is moot. |
| 79 | <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. |
| 80 | <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. |

| | <u>Case Name</u> | <u>Case Number</u> | <u>Firm</u> | <u>Description</u> | <u>Case Status</u> |
|----|---------------------------------|--------------------|-------------|---|---|
| 81 | <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. |
| 82 | <i>Estate of Ceasar Stinson</i> | Notice of Injury | OCC | 01/25/2020 auto accident involving deputy sheriff | <ul style="list-style-type: none"> 04/16/2020: Notice of injury filed for fatal injuries sustained by driver in a deputy sheriff involved accident. |