



STATE OF WISCONSIN
Department of Employee Trust Funds
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SECRETARY

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Correspondence Memorandum

Date: August 23, 2019
To: Employee Trust Funds Board
From: David H. Nispel, General Counsel
Dan Hayes, Attorney
Office of Legal Services
Subject: Status of Pending Legal Cases

This memo is for informational purposes only. No Board action is required.

This memorandum is presented quarterly to inform board members about the status of pending or recently concluded legal cases involving the Department of Employee Trust Funds (ETF) and/or the Board.

The purpose of the memorandum is to inform board members of litigation in which the Board and/or ETF are parties, not to provide legal advice concerning the cases listed. An assistant attorney general from the Department of Justice (DOJ) represents ETF and/or the Board in any litigation in court. If there are questions about a case, we will provide you with the name of the attorney handling it.

As of August 23, 2019, there is one case that involves ETF or the Board.

Issue – Whether a software vendor that ETF hired to design and build a new benefits administration system breached its contract with ETF.

Summary – In March 2019, ETF filed a lawsuit in Dane County Circuit Court alleging breach of contract and breach of the duty of good faith and fair dealing against a vendor involved in ETF's modernization effort and new benefit administration system. The vendor filed its answer and affirmative defenses in April 2019 and a counterclaim in June 2019.

Status – Discovery is in progress.

Attorney – DOJ attorneys.

Staff will be available at the Board meeting to answer any questions.

Reviewed and approved by Robert J. Conlin, Secretary

Electronically Signed 8/28/19

Board	Mtg Date	Item #
ETF	9.19.19	5G