



**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
 Robert J. Conlin  
 SECRETARY

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**Correspondence Memorandum**

**Date:** November 14, 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 the Board 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 the Board of litigation in which the Board and/or ETF are parties, not to provide legal advice concerning the cases listed. A Department of Justice (DOJ) assistant attorney general 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 November 14, 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 11/20/19

Board	Mtg Date	Item #
ETF	12.12.19	5F