



STATE OF WISCONSIN  
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SECRETARY

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**Correspondence Memorandum**

**Date:** February 28, 2020  
**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 ETF 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 February 28, 2020, there is one case that involves ETF.

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

Summary – In April 2018, ETF partially terminated its contract with the vendor. 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 benefits administration system. The vendor filed its answer and affirmative defenses in April 2019 and a counterclaim in June 2019.

Status – Discovery is in progress. In addition, a summary judgment motion hearing is scheduled for April 3, 2020.

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 3/9/20

Board	Mtg Date	Item #
ETF	3.26.20	6H