



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

Wisconsin Department
 of Employee Trust Funds
 PO Box 7931
 Madison WI 53707-7931
 1-877-533-5020 (toll free)
 Fax 608-267-4549
 etf.wi.gov

Correspondence Memorandum

Date: November 13, 2020
To: Employee Trust Funds Board
From: 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 November 13, 2020, there are two cases that involve ETF.

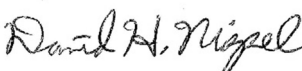
Case 1

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 a counterclaim in June 2019.

Status – The court has denied both parties’ motions for summary judgement. Discovery is ongoing, and a scheduling conference is set for December 3, 2020.

Attorney – DOJ attorneys.

Reviewed and approved by David Nispel, General Counsel,
 Office of Legal Services

 Electronically Signed 11/23/20

Board	Mtg Date	Item #
ETF	12.10.20	5L

Case 2

Issue – Whether a WRS member relied on misinformation from an ETF employee when deciding when to retire, denying a right to which he was entitled without due process of law.

Summary – In June 2020, a retired WRS member filed a lawsuit in the United States District Court for the Western District of Wisconsin against an ETF employee related to alleged actions taken within the scope of employment. The member alleges that he received misinformation that caused him to choose a retirement date to his detriment.

Status – The case is in the early stages of litigation. The DOJ filed a motion to dismiss the case in October. Briefing on the motion should be completed in November.

Attorney – DOJ attorney.

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