



**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
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 SECRETARY

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**Correspondence Memorandum**

**Date:** August 25, 2023  
**To:** Employee Trust Funds Board  
**From:** Dan Hayes, Attorney  
 Office of Legal Services  
**Subject:** Legal Case Update

**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 (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. Assistant attorneys general from the Department of Justice represent ETF and/or the Board in any litigation in court pursuant to Wis Stat. § 40.03 (3). If there are questions about a case, please contact ETF’s Office of Legal Services.

As of August 25, 2023, there is one case that involves ETF and/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 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**

A telephone status conference is scheduled for October 9, 2023.

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

Reviewed and approved by Diana Felsmann, General Counsel, Office of Legal Services  
 Electronically Signed 08/29/2023

Board	Mtg Date	Item #
ETF	09.21.23	5H