



STATE OF WISCONSIN  
Department of Employee Trust Funds  
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**CORRESPONDENCE MEMORANDUM**

**DATE:** October 13, 2011  
**TO:** Group Insurance Board  
**FROM:** David H. Nispel, General Counsel  
**SUBJECT:** Status of Pending Legal Cases

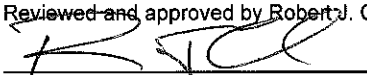
**This memo is for informational purposes only. No Board action is required.**

This memorandum presents the status of pending, or recently settled, legal cases involving insurance issues and the Department of Employee Trust Funds (ETF) and the Group Insurance Board (GIB). In order to maintain Wisconsin Retirement System (WRS) member confidentiality, the names of the parties and case numbers are not identified in this memorandum.

The purpose of this memorandum is to inform you of litigation in which the Board and ETF are parties, not to provide any legal advice concerning the cases listed here. Each of the cases is being handled by either an assistant attorney general from the Department of Justice (DOJ) or a private attorney retained by Wisconsin Physicians Service (WPS). If you have any questions about a particular case, I will be able to provide you with the name of the attorney handling the case.

As of October 13, 2011, there are 8 cases, which can be divided into the following categories:

- Subrogation Cases Handled by DOJ Attorney (2)**  
Department of Employee Trust Funds (GIB not a party).....2
- Subrogation Cases Handled by Private Attorney (5)**  
(per Article XII, Section H, Administrative  
Service Agreement with WPS)  
Group Insurance Board.....5

Reviewed and approved by Robert J. Conlin, Deputy Secretary.  
  
 Signature \_\_\_\_\_ Date 10/18/11

Board	Mtg Date	Item #
GIB	11.8.11	6C

**Federal District Court Case (1)**

United States of America et al v. Pfizer Inc. .... 1  
(ETF and GIB not parties. ETF, Dept. of Veterans Affairs,  
and Dept. of Health Services separately responded to a  
subpoena on behalf of the State of Wisconsin.)

**CIRCUIT COURT CASES**

**Case No. 1:**

Issue – Member received disability benefits following a motor vehicle accident while on duty.

Summary – ETF provided the member with income continuation, duty disability and disability retirement benefits for the injuries the member sustained in the accident. Thus, ETF may have a subrogation interest in this matter depending on how the case is resolved.

Status – Jury trial is scheduled for May 2012.

Attorney – DOJ attorney.

**Case No. 2:**

Issue – Member received income continuation following a motor vehicle accident.

Summary – ETF provided the member with income continuation for the injuries the member sustained in the accident. Thus, ETF may have a subrogation interest in this matter depending on how the case is resolved.

Status – Notice of Appearance and Answer of the Department of Employee Trust Funds filed August 15, 2011.

Attorney – DOJ attorney.

**SUBROGATION CASES**

WPS has retained private counsel to handle these cases. No ETF or DOJ attorney is involved in these cases. There are five cases pending in which the GIB or ETF has a subrogation interest in an action filed in circuit court by a WRS member because ETF provided benefits to that member following a personal injury.

## FEDERAL DISTRICT COURT CASE

### Case No. 1:

Issue – The State of Wisconsin and 21 other states plus the District of Columbia filed this action to recover monies wrongfully paid by those entities as a result of false claims caused by the defendant.

Summary – ETF was served with a subpoena to produce documents involving Detrol and other Urologic drugs. ETF obtained documents from health plans and submitted the documents to the DOJ attorney representing ETF. The attorney forwarded the documents to the defendant's attorney.

Status – Federal judge has dismissed the case without prejudice because the parties are working on a final settlement.

Attorney – DOJ attorney.

I will be available at the November 8, 2011, Board meeting to answer questions.