



STATE OF WISCONSIN
Department of Employee Trust Funds
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CORRESPONDENCE MEMORANDUM

DATE: January 13, 2012
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 GIB and ETF are parties or are otherwise involved, 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 January 13, 2012, there are seven cases, which can be divided into the following categories:

- Subrogation Cases Handled by DOJ Attorney (2)**
- ETF (GIB not a party).....2
- Subrogation Cases Handled by Private Attorney (4)**
(per Article XII, Section H, Administrative Service Agreement with WPS)
- GIB4

Reviewed and approved by Robert J. Conlin, Secretary	
	1/12/2012
Signature	Date

Board	Mtg Date	Item #
GIB	2.7.12	8B

Federal District Court Case (1)

United States of America et al v. Pfizer Inc..... 1
(ETF and GIB are 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 benefits following a motor vehicle accident.

Summary – ETF provided the member with income continuation 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 – Notice of Appearance and Answer of ETF were filed on August 15, 2011. No other activity has been scheduled.

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 four cases pending in which 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 dismissed the case without prejudice because the parties were working on a final settlement. A Federal Settlement Agreement was executed by the United States, Pfizer, and the Relators and dated October 20, 2011. The judge then issued a November 16, 2011, Order formally dismissing all claims.

Attorney – DOJ attorney.

I will be available at the February 7, 2012, Board meeting to answer questions.