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**Correspondence Memorandum**

**Date:** October 21, 2016  
**To:** Group Insurance Board  
**From:** David H. Nispel, General Counsel  
Dan Hayes, Attorney  
**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-concluded court cases involving insurance issues, the Department of Employee Trust Funds (ETF) and/or 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/or ETF are either parties or otherwise involved, not to provide legal advice concerning the cases listed here. Each case is being handled by either a Department of Justice (DOJ) assistant attorney general or a private attorney retained by Wisconsin Physicians Service (WPS). If you have any questions about a particular case, we can provide you with the name of the attorney handling the case.

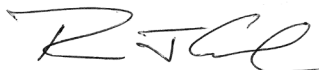
As of October 21, 2016, there are eight cases, which can be divided into the following categories:

**Court Cases Handled by DOJ (4)**

ETF (GIB not a party) ..... 4  
GIB and ETF..... 0

**Subrogation Cases Handled by Private Attorney (4)**

(per Article XII, Section H, Administrative Service Agreement with WPS)

Reviewed and approved by Robert J. Conlin, Secretary  
 Electronically Signed 11/7/16

Board	Mtg Date	Item #
GIB	11.30.16	5F

## **COURT CASES HANDLED BY DOJ**

### **Case No. 1:**

Issue – ETF provided income continuation insurance benefits and long-term disability benefits following personal injuries sustained by the plaintiff as a result of alleged negligence by a chiropractor and seeks repayment for those payments made.

Summary – ETF was named an involuntary plaintiff in a Winnebago County Circuit Court case in which the plaintiff seeks damages for personal injuries sustained in the incident and a determination of ETF's subrogation interest.

Status – A three-week jury trial is scheduled for July 2017.

Attorney – DOJ attorney.

### **Case No. 2:**

Issue – ETF provided income continuation insurance benefits following plaintiff's involvement in an automobile accident and seeks repayment for those payments made.

Summary – ETF was named a defendant in a Racine County Circuit Court case in which the plaintiff seeks damages for personal injuries sustained in the accident and a determination of ETF's subrogation interest.

Status – Litigation is in early stages. No trial date has been scheduled.

Attorney – DOJ attorney.

### **Case No. 3:**

Issue – ETF provided income continuation insurance benefits following plaintiff's involvement in a motorcycle accident and seeks repayment for those payments made.

Summary – ETF was named an involuntary plaintiff in an Eau Claire County Circuit Court case in which the plaintiff seeks damages for personal injuries sustained in the accident and a determination of ETF's subrogation interest.

Status – Litigation is in early stages. No trial date set.

Attorney – DOJ attorney.

**Case No. 4:**

Issue – ETF provided income continuation insurance benefits following plaintiff's involvement in an automobile accident and seeks repayment for those payments made.

Summary – ETF was named an involuntary plaintiff in a Dane County Circuit Court case in which the plaintiff seeks damages for personal injuries sustained in the accident and a determination of ETF's subrogation interest.

Status – Litigation is in early stages. No trial date has been scheduled.

Attorney – DOJ attorney.

**WPS SUBROGATION CASES**

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

Staff will be available at the board meeting to answer questions.