



STATE OF WISCONSIN
Department of Employee Trust Funds
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CORRESPONDENCE MEMORANDUM

DATE: February 8, 2013
TO: Employee Trust Funds Board
Teachers Retirement Board
Wisconsin Retirement 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 is presented quarterly to inform Board members about the status of pending legal cases involving the Department of Employee Trust Funds (ETF) and the various retirement boards. In order to maintain confidentiality regarding our Wisconsin Retirement System members, the names of the parties and case numbers have not been identified in the memorandum.

The sole purpose of the memorandum is to inform Board members of litigation in which the Boards and ETF are parties, not to provide legal advice concerning the cases listed. If there are any questions about a case listed in a memorandum, I will provide you with the name of the attorney handling the case.

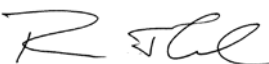
As of February 8, 2013, there are two cases pending in the courts that involve the Wisconsin Retirement Board and ETF.

Wisconsin Circuit Court Cases:

Case No. 1:

Issue—Duty disability overpayment due to earnings received by the member.

Summary—ETF issued a determination that there was an overpayment of benefits paid to the member following receipt of an earnings report from the employer. The administrative law judge and the Wisconsin Retirement Board affirmed the determination. After the Board denied the member's petition for rehearing, the member filed an appeal in circuit court.

Reviewed and approved by Robert J. Conlin, Secretary

Electronically Signed 2/13/13

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JL	3.7.13	5F

Status—The court established a briefing schedule and the final brief was filed with the court on December 7, 2012. No decision has been issued by the court.

Attorney—DOJ attorney.

Case No. 2:

Issue – Which party is entitled under the applicable law to the retirement death benefits and life insurance benefits of the deceased WRS member?

Summary – The wife and sister of the deceased are involved in litigation to determine who is legally entitled to the retirement death benefits and life insurance benefits. ETF was named as a defendant in an effort to prevent those benefits from being paid. ETF informed the parties and the court that no payments will be made until the case is resolved.

Status – A scheduling conference has been set for February 28, 2013.

Attorney – DOJ attorney.

I will be available at the March 7, 2013, Board meeting to answer questions.