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July 11, 2017

To the Honorable Common Council
of the City of Milwaukee
Room 205 – City Hall

Re: Proposed Settlement in *April Hoffman v. City of Milwaukee, et al.*
Case No. 14-CV-009105

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

Ms. Hoffman has claimed a violation of her rights under Wisconsin's right-to-privacy statute, Wis. Stats. § 995.50, and a violation of her rights against disclosure of confidential medical records under Wis. Stats. § 146.82. These claims arose in the context of the processing of former Milwaukee Police Sergeant Hoffman's claims for worker's compensation and duty disability retirement benefits.

Ms. Hoffman claims in particular that: 1) the Worker's Compensation Section improperly obtained certain irrelevant records of health care; 2) that it then disclosed those records to Employees' Retirement System ("ERS"); 3) that the Worker's Compensation Section provided an improperly-obtained record of a previous treatment to one of the physicians performing an independent medical examination; and, 4) that it disclosed medical records and an IME report without an authorization from Hoffman to the Milwaukee Police Department. She has sought \$100,000 from the city and ERS.

Discovery in this matter has established that the city did obtain certain irrelevant health care records when a health care management company incorrectly honored a release from the city that should not have led to any disclosure. It has also shown that those records were located in ERS files, but it has not established that any improperly-obtained record was shared with the physician conducting the independent medical examination nor that any health care records were improperly disclosed to the Milwaukee Police Department.



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Ms. Hoffman has agreed to accept \$50,000 in full settlement of all her claims against the city and ERS, with the city paying \$40,000 of the settlement and ERS paying the remaining \$10,000. Because settlement in this matter is deemed expeditious, we recommend payment of the proposed settlement amount, and have enclosed an appropriate resolution for your convenience.

Very truly yours,



GRANT LANGLEY
City Attorney



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Assistant City Attorney

Enclosure

JAS/JAS

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