

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ALINA BOYDEN and  
SHANNON ANDREWS,

Plaintiffs,

Case No. 17-cv-264

v.

STATE OF WISCONSIN DEPARTMENT  
OF EMPLOYEE TRUST FUNDS, et al.,

Defendants.

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**PLAINTIFFS' RULE 26(A)(3) DISCLOSURES**

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Pursuant to Fed. R. Civ. P. 26(a)(3), Plaintiffs, Alina Boyden and Shannon Andrews, by and through their undersigned attorneys, make the following pretrial disclosures:

**I. Rule 26(a)(3)(A)(i)**

Plaintiffs identify the following individuals as witnesses they expect to present at trial:

1. Plaintiff, Alina Boyden;
2. Plaintiff, Shannon Andrews;
3. Stephanie L. Budge, Ph.D.;
4. Loren S. Schechter, M.D.;
5. Robert J. Conlin (adversely);
6. Herschel E. Day (adversely);

7. Michael S. Farrell (adversely);
8. Nancy L. Thompson (adversely);
9. J.P. Wieske (adversely);
10. Lisa M. Ellinger (adversely); and
11. Joan Barrett, M.A.

**Witnesses Plaintiffs May Call if the Need Arises**

1. David H. Nispel;
2. Tara S. Pray;
3. Jeffrey E. Bogardus;
4. Stacey Rolston;
5. Charles Grapentine;
6. Waylon Hurlburt;
7. Theodore Neitzke;
8. Bob Ziegelbauer;
9. Jennifer Stegall;
10. Francis Sullivan;
11. Any witness listed on Defendant's witness list; and
12. Any witness necessary for rebuttal.

**II. Rule 26(a)(3)(ii)**

Plaintiffs anticipate presenting testimony by deposition designation for the following witnesses if those witnesses are not called by either plaintiffs or defendants at trial:

1. Robert J. Conlin;
2. David H. Nispel;
3. Michael S. Farrell;
4. Nancy L. Thompson;
5. Jeffery E. Bogardus;
6. J.P. Wieske;
7. Tara S. Pray; and
8. Lisa M. Ellinger.

**III. Rule 26(a)(3)(iii)**

Please see the Exhibit Form attached hereto. Plaintiffs reserve the right to rely on documents identified by Defendants in their pretrial report, any exhibits needed for impeachment, and any exhibits necessary for rebuttal.

Dated this 7th day of September, 2018.

**HAWKS QUINDEL, S.C.**

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**EXHIBIT FORM**

EXHIBIT (S) OF				
<u>Plaintiffs Alina Boyden and Shannon Andrews</u>		Alina Boyden and Shannon Andrews		
		v.	Case No. 17-cv-264	
		State of Wisconsin Dept. Of Employee Trust Funds, et al.		
Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
<b>EXHIBITS THE PLAINTIFFS EXPECT TO OFFER</b>				
	1		Defendants' January 16, 2018 Response to Plaintiffs' First Set of Requests for Admission and Written Interrogatories with Signed Verifications	
	2		Defendants' April 27, 2018 Response to Plaintiffs' Second Set of Request for Admissions and Written Interrogatories	
	3		Expert Report by Joan Barrett and Elaine Corrough (Dkt. # 105)	
	4		Joan Barrett Curriculum Vitae (Dkt. # 105-1)	
	5		Joan Barrett Biography (Dkt. # 105-2)	
	6		Elaine Corrough Curriculum Vitae (Dkt. # 105-3)	
	7		Elaine Corrough Biography (Dkt. # 105-4)	
	8		Elaine Corrough Billing Rates (Dkt. # 105-5)	
	9		Expert Witness Report of Stephanie Budge, Ph.D. (Dkt. # 83-16)	
	10		Supplemental Expert Witness Report of Stephanie Budge, Ph.D (Dkt # 117)	
	11		Second Supplemental Expert Witness Report of Stephanie Budge, Ph.D. (Dkt. # 134)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	12		Expert Witness Report of Loren S. Schechter and Exhibits (Dkt. # 104)	
	13		Supplemental Expert Witness Report of Loren S. Schechter, M.D. (Dkt. # 116)	
	14		Second Supplemental Expert Witness Report of Loren S. Schechter, M.D. (Dkt. # 135)	
	15		May 2, 2018 Stipulation (Dkt. # 103-24)	
	16		June 28, 2018 Stipulation Regarding Covered Procedures (Dkt. # 131-2)	
	17		August 30, 2018 Stipulation Regarding GIB Members	
	18		May 2, 2018 Stipulation (Dkt. # 103-24)	
	19		October 22, 2008 Emails between Linda Owens and Jeff Bogardus and the attachment contained therein, the 2009-2011 Bargaining Demands (Dkt. # 103-11)	
	20		June 29, 2016 Emails between Kirsten Schatten and Lisa Ellinger and the attachment contained therein, the March 3, 2014 Segal Maryland Coverage Estimate Memorandum (Dkt. # 103-14)	
	21		January 30, 2017 Emails between Joan Steele and Arlene Larson and the attachment contained therein, the January 27, 2017 Segal Transgender Cost Estimate Memorandum (Dkt. # 103-15)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	22		January 31, 2017 Email from Sara Brockman to GIB Members and the attachment contained therein, the December 13, 2016 GIB Open Meeting Meetings (Dkt. # 103-17)	
	23		February 6, 2017 Emails between Tara Pray and Lisa Ellinger (Dkt. # 103-20)	
	24		January 23, 2017 Segal Consulting Memorandum (Dkt. # 83-6)	
	25		Deposition of Herschel E. Day (April, 2, 2018)	
	26		Deposition of David H. Nispel (April 3, 2018)	
	27		Deposition of Jeffrey E. Bogardus (April 3, 2018)	
	28		Deposition of Lisa M. Ellinger (April 4, 2018)	
	29		Deposition of Tara S. Pray (April 10, 2018)	
	30		Deposition of Michael S. Farrell (April 11, 2018)	
	31		Deposition of Robert J. Conlin (April 18, 2018)	
	32		Deposition of Nancy L. Thompson (May 25, 2018)	
	33		Deposition of J.P. Wieske (May 30, 2018)	
	34		Second Deposition of Herschel E. Day (June 11, 2018)	
	35		"It's Your Choice" Access Health Plan (Dkt. # 103-2)	
	36		Excerpts From 2016 Contract & Uniform Benefits (Dkt. # 103-3) Excerpts of 2016 Uniform Benefits reflecting the "Gender Reassignment" Exclusion (Excerpts of ETF 727)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	37		July 21, 2016 Emails between Tara Pray and Michael McNally (Dkt. # 103-4)	
	38		2017 Uniform Benefits (Dkt. # 103-5)	
	39		Excerpts of 2017 Uniform Benefits reflecting the "Gender Reassignment" Exclusion (Excerpts of ETF 00188)	
	40		Draft Group Insurance Board Minutes, May 28, 2016 (Deposition of Nancy L. Thompson, Ex. 3)	
	41		6/12/2016 Group Insurance Board Minutes (Deposition of Robert J. Conlin, Ex. 13)	
	42		7/12/2016 GIB Meeting, Open Meeting Minutes (BoydenProd6_000100) (Deposition of Tara S. Pray, Ex. 12)	
	43		8/16/2016 Group Insurance Board Minutes (Deposition of Michael S. Farrell, Ex. 15)	
	44		Draft Group Insurance Board Minutes, November 30, 2016 (Deposition of Nancy L. Thompson, Ex. 9)	
	45		Meeting minutes 12/13/2016 (Deposition of Herschel E. Day, Ex. 5)	
	46		12/30/2016 GIB Open Meeting Minutes (ETF 141) (Deposition of David H. Nispel, Ex. 9)	
	47		12/30/2016 GIB Meeting, Closed Meeting Minutes (ETF 570)	
	48		2/8/2017 GIB Meeting, Open Meeting Minutes (Attachment to ETF 1446)	
	49		5/24/2017 GIB Meeting, Open Meeting Minutes (ETF 156)	
	50		8/22/2018 GIB Meeting, Open Meeting Minutes	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	51		8/22/2018 GIB Meeting, Closed Meeting Minutes	
	52		Department of Employee Trust Funds functional organizational chart, January 2018 (Deposition of Tara S. Pray, Ex. 1)	
	53		4/24/2015 Email from Tara Pray, with attached Study Group Memorandum (Deposition of Tara S. Pray, Ex. 2)	
	54		May 2017 Emails between Lisa Ellinger and Rita Black-Radloff, 5/8/2017 Email from Lisa Ellinger to Robert Conlin, with attached Anthem Contract Excerpts, and 5/1/2017 State of Wisconsin Health Benefit Program Agreement Title Page and Table of Contents (Deposition of Tara S. Pray, Ex. 3)	
	55		11/25/2015 through 6/22/2016 Emails between Arlene Larson and Penny Bound, Subject: Reaction to DHHS' Nondiscrimination Rulemaking on the Basis of Gender, and 6/22/2016 Email from Tara Pray to Eileen Mallow (Deposition of Tara S. Pray, Ex. 4)	
	56		September 2016 Email chain between Penny Bound and Tara Pray, Subject: 2017 Contract Review, and 9/28/2016 Email from Tara Pray to Lisa Ellinger (Deposition of Tara S. Pray, Ex. 5)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	57		2/10/2017 Email from Brian Martin to Joan Steele, Subject: Action Item Past Due - 2017 Contract Amendment; 2/10/2017 Email from Joan Steele to Lisa Ellinger, and 2/10/2017 Email from Tara Pray to Arlene Larson, Subject: Anthem's Position on 2017 Contract Amendment (Deposition of Tara S. Pray, Ex. 6)	
	58		12/8/2014 Email from Arlene Larson to Lisa Ellinger, Subject: Guidelines Workgroup Part 2 for Meeting 12/11 8:30, with attached Study Group Meeting Potential Topics for 1-2016 (Deposition of Tara S. Pray, Ex. 7)	
	59		4/10/2014 Email from Pamela Oliver to Lisa Ellinger, Subject: Changing Health Insurance Provision; and 4/14/2014 Email from Lisa Ellinger to Mary Statz, Subject: Changing Health Insurance Provision (Deposition of Tara S. Pray, Ex. 8)	
	60		7/9/2014 Letter to Pamela Oliver from Lisa Ellinger (Deposition of Tara S. Pray, Ex. 9)	
	61		1/23/2015 Email from Pamela Oliver to Lisa Ellinger; Subject: Request ETF Remove Sex Reassignment Exclusion; economic impact estimates (Deposition of Tara S. Pray, Ex. 10)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	62		7/11/2016 Email from Tara Pray to Eileen Mallow, Lisa Ellinger and Diana Felsmann, Subject: For Your Review: Draft 2017 chges_tp.pptx, with attached PowerPoint presentation (Deposition of Tara S. Pray, Ex. 11)	
	63		1/4/2017 Email from ETF SMB Insurance Submit to ETF OSHP Weekly Notice 2017:01; and 1/5/2017 Email from Joan Steele to Stacie Schlaf, Subject: ETF OSHP Weekly Notice 2017:01 (Deposition of Tara S. Pray, Ex. 15)	
	64		1/20/2017 Email exchange between Joan Kohler, Robert Conlin, John Voelker, Lisa Ellinger, Eileen Mallow and David Nispel, Subject: FOR YOUR REVIEW: Addendum 5 to Uniform Benefits (Deposition of Tara S. Pray, Ex. 16)	
	65		February 3 and 6, 2017, Email chain between Tara Pray, Lisa Ellinger, David Nispel, Diana Felsmann, Eileen Mallow and Joan Steele, Subject: 60 day Material Modification Notice (ACA rule) (Deposition of Tara S. Pray, Ex. 17)	
	66		February 1 and 2, 2017, Email chain between Mark Lamkins, Tara Pray, and Lisa Ellinger, Subject: What's New: Gender Reassignment Exclusion Reinstated (Deposition of Tara S. Pray, Ex. 18)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	67		July 13-21, 2016 Email chain between Lisa Ellinger, Herschel Day, Eileen Mallow, Rachel Carabell, Jeff Bogardus and Tara Pray, Subject: Follow-up Questions (Deposition of Tara S. Pray, Ex. 19)	
	68		Gender Project for 2017. To GIB at May meeting? (Deposition of Tara S. Pray, Ex. 20)	
	69		12/22/2016 through 12/29/2016 Emails, Subject: Gender: ETF Vital Records and Age Verification Policy; 12/29/2016 through 1/3/2017 Emails, Subject: Gender: Procedure for Web; and 1/3/2017 through 1/6/2017 Emails, Subject: Procedure to Change Gender in myETF Benefits (Deposition of Tara S. Pray, Ex. 21)	
	70		December 2016 and January 2017 Emails, Subjects: MyETF Gender Change Procedures v3, ETF Vital Records and Age Verification Policy, Gender: Procedure for Web, and Procedure to Change Gender in myETF Benefits (Deposition of Tara S. Pray, Ex. 22)	
	71		7/21/2016 E-mail from Tara Pray (Deposition of Herschel E. Day, Ex. 1)	
	72		7/15/2016 E-mail from Herschel Day (Deposition of Herschel E. Day, Ex. 2)	
	73		9/28/2016 E-mail from J.P. Wieske (Deposition of Herschel E. Day, Ex. 3)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	74		8/12/2016 Correspondence Memorandum (Deposition of Herschel E. Day, Ex. 4)	
	75		1/31/2017 E-mail from Lisa Ellinger (Deposition of Herschel E. Day, Ex. 7)	
	76		May 14, 2015 E-mail from Lisa Ellinger to Mark Lampkins, May 14, 2015 e-mail from Sherry Etes to Lisa Ellinger, and May 14, 2015 Correspondence Memorandum to the Group Insurance Board from Tara Pray (Deposition of Jeffrey E. Bogardus, Ex. 2)	
	77		April 27, 2015 E-mail from Jeff Bogardus to Arlene Larson and Tara Pray, April 24, 2015 e-mail from Tara Pray, and April 24, 2015 Correspondence Memorandum, to Guidelines Advisory Study Group from Tara Pray (Deposition of Jeffrey E. Bogardus, Ex. 3)	
	78		September 8, 2006 E-mail from Bill Kox to Jeff Bogardus, August 21, 2006 e-mail from Pam Licht to Bill Kox, August 21, 2006 e-mail from Mary Berger to Pam Licht, August 21, 2006 e-mail from Pam Licht to Mary Berger, and excerpt from the 2005-2007 Bargaining Demands (Deposition of Jeffrey E. Bogardus, Ex. 4)	
	79		March 23, 2016 E-mail from David Nispel to Jeff Bogardus, and March 23, 2016 e-mail from Jeff Bogardus to David Nispel (Deposition of Jeffrey E. Bogardus, Ex. 5)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	80		E-mail from Linda Owen to Jeff Bogardus dated October 22, 2008, e-mail from Jeff Bogardus to Linda Owen dated October 21, 23 2008, and excerpt from the 2008 bargaining demands (Deposition of Jeffrey E. Bogardus, Ex. 6)	
	81		E-mail from Jeff Bogardus to Steven Alexander, Shannon B. Tischer, and Pam Olson dated December 29, 2016, and e-mail from WI Department of Employee Trust Funds to Jeff Bogardus dated December 29, 2016 (Deposition of Jeffrey E. Bogardus, Ex. 7)	
	82		E-mail to Ryan D. Olson, Shannon B. Tischer, and Steven Alexander dated February 1, 2017, and e-mail from Mark Lampkins dated February 1, 2017 (Deposition of Jeffrey E. Bogardus, Ex. 8)	
	83		E-mail from Jeff Bogardus to Lisa Ellinger and Eileen Mallow dated February 7, 2017, e-mail from Lisa Ellinger to Jeff Bogardus and Eileen Mallow dated February 7, 2017, e-mail from Jeff Bogardus to Lisa Ellinger and Eileen Mallow dated February 7, 2017, e-mail from Lisa Ellinger to Jeff Bogardus and Eileen Mallow dated February 7, 2017, and e-mail from Jeff Bogardus dated February 1, 2017 (Deposition of Jeffrey E. Bogardus, Ex. 9)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	84		June 22, 2016 Correspondence Memorandum to Group Insurance Board from Tara Pray (Deposition of David H. Nispel, Ex. 1)	
	85		December 8, 2016 Correspondence Memorandum to Group Insurance Board from Sara Brockman, August 10, 2016 Wisconsin Department of Justice Memorandum to Group Insurance Board from Andy Cook, and August 11, 2016 Correspondence Memorandum to Group Insurance Board from David Nispel (Deposition of David H. Nispel, Ex. 2)	
	86		E-mail from David Nispel to John Voelker, Lisa Ellinger, and Robert Conlin dated August 15, 2016, e-mail from John Voelker to Lisa Ellinger, Robert Conlin, and David Nispel dated August 15, 2016, and e-mail from Lisa Ellinger to John Voelker, Robert Conlin, and David Nispel dated August 15, 2016 (Deposition of David H. Nispel, Ex. 3)	
	87		OSHP News & Notes: Group Insurance Board Meeting (8/16/16) Highlights (Deposition of David H. Nispel, Ex. 4)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	88		Correspondence Memorandum dated December 29, 2016, to Group Insurance Board from David Nispel, Correspondence Memorandum dated December 8, 2016, to Group Insurance Board from Sara Brockman, Wisconsin Department of Justice Memorandum dated August 10, 2016 to Group Insurance Board from Andy Cook, and Correspondence Memorandum dated August 11, 2016, to Group Insurance Board from David Nispel (Deposition of David H. Nispel, Ex. 5)	
	89		Agenda/Notice Group Insurance Board, State of Wisconsin, Tuesday, December 13, 2016 (Deposition of David H. Nispel, Ex. 6)	
	90		Agenda/Notice Group Insurance Board, State of Wisconsin, Friday, December 30, 2016 (Deposition of David H. Nispel, Ex. 8)	
	91		E-mail from Lisa Ellinger to David Nispel, Deb Roemer, Tarna Hunger, Jaymee Meier, Diana Felsmann, Matthew Stohr, Jim Guidry, Daniel Hayes, and Kim Esselman dated January 17, 2017, and Agenda/Notice Group Insurance Board, State of Wisconsin, Wednesday, February 8, 2017 (Deposition of David H. Nispel, Ex. 10)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	92		Correspondence Memorandum dated January 30, 2017, to Group Insurance Board from Robert Conlin, Memorandum to Lisa Ellinger from Kirsten Schatten and Kenneth Vieira dated January 23, 2017, and Attachment B dated January 31, 2017, to All Health Plans (Deposition of David H. Nispel, Ex. 11)	
	93		Letter from David Nispel to Marian Drew, Equal Employment Opportunity Commission, dated April 1, 2016, Affidavit of Arlene Larson, e-mail from Arlene Larson to Alina Boyden dated March 21, 2016, e-mail from Alina Boyden to Arlene Larson dated March 21, 2016, Affidavit of Diana Felsmann, Uniform Benefits, Affidavit of Jeff Bogardus, Affidavit of Mary Preston, Department of Employee Trust Funds Client Data Sheet, and July 12, 2016 Group Insurance Board Minutes (Deposition of David H. Nispel, Ex. 12)	
	94		Wisconsin Retirement System (Deposition of Lisa M. Ellinger, Ex. 1)	
	95		Proposed Changes to Benefits (Deposition of Lisa M. Ellinger, Ex. 2)	
	96		7/9/2014 Letter from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 3)	
	97		2/12/2015 Meeting notes (Deposition of Lisa M. Ellinger, Ex. 4)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	98		3/21/2016 E-mail from Arlene Larson (Deposition of Lisa M. Ellinger, Ex. 5)	
	99		5/25/2016 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 6)	
	100		7/15/2016 E-mail from Herschel Day (Deposition of Lisa M. Ellinger, Ex. 8)	
	101		8/11/2016 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 9)	
	102		8/11/2016 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 10)	
	103		12/9/2016 Microsoft OneNote entry (Deposition of Lisa M. Ellinger, Ex. 11)	
	104		1/17/2017 E-mail from Robert Conlin (Deposition of Lisa M. Ellinger, Ex. 13)	
	105		1/23/2017 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 14)	
	106		1/27/2017 E-mail from Michael Farrell (Deposition of Lisa M. Ellinger, Ex. 15)	
	107		1/23/2017 Memorandum from Segal Consulting (Deposition of Lisa M. Ellinger, Ex. 16)	
	108		5/15/2017 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 17)	
	109		2/9/2017 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 18)	
	110		2/23/2017 E-mail from Lisa Ellinger (Deposition of Lisa M. Ellinger, Ex. 19)	
	111		Group Insurance Board page from ETF website (Deposition of Michael S. Farrell, Ex. 1)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	112		1/1/2017 through 12/31/2018 Contract with MercyCare Insurance Company, page 1 and signature page (Deposition of Michael S. Farrell, Ex. 2)	
	113		6/22/2016 Correspondence Memorandum to Group Insurance Board, from Tara Pray, Subject: Guidelines Contract and Uniform Benefits Changes for 2017 (Deposition of Michael S. Farrell, Ex. 3)	
	114		8/10/2016 Email from Delanie Breuer to Lisa Ellinger, Subject: Memo; and 8/11/2016 Email from Lisa Ellinger to Michael Farrell, Subject: AG Memo (Deposition of Michael S. Farrell, Ex. 5)	
	115		12/29/2016 Correspondence Memorandum to: Group Insurance Board from: David Nispel, Subject: 2017 Uniform Benefits and Services Related to Gender Reassignment or Sexual Transformation - HHS Nondiscrimination Rule (Deposition of Michael S. Farrell, Ex. 6)	
	116		8/11/2016 Email from Lisa Ellinger to Michael Farrell, Subject: Draft GIB Memo on Uniform Benefits and Sex Discrimination with attached Draft GIB Memo (Deposition of Michael S. Farrell, Ex. 7)	
	117		8/15/2016 Email from Lisa Ellinger to Michael Farrell, Subject: Chair Agenda with attached 8/16/2016 GIB Chair Agenda (Deposition of Michael S. Farrell, Ex. 8)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	118		9/28/2016 Email from J.P. Wieske to Bonnie Cyganek, Subject: GIB (Deposition of Michael S. Farrell, Ex. 9)	
	119		October 4 and 6, 2016, Email chain between Michael Farrell and Christine Ebert, Subject: Transgender Surgery Exclusion, with attached United Healthcare 7/25/2016 Article "Gender Transformation Coverage Update" (Deposition of Michael S. Farrell, Ex. 10)	
	120		11/1/2016 Email exchange between J.P. Wieske and Brian Webb, Subject: Got Your Message (Deposition of Michael S. Farrell, Ex. 11)	
	121		12/9/2016 Email from Sara Brockman to Sara Brockman, Subject: 12/13 GIB Meeting Materials & Information (Deposition of Michael S. Farrell, Ex. 12)	
	122		Group Insurance Board Agendas with Michael Farrell's handwritten notes (Deposition of Michael S. Farrell, Ex. 13)	
	123		12/14/2016 Email from Wisconsin Health News to ETF SMB Library, Subject: Today's Wisconsin Health News: Group Insurance Board delays action on self-insurance (Deposition of Michael S. Farrell, Ex. 14)	
	124		12/29/2016 Email from John Voelker to Michael Farrell, Subject: Meeting Update/Agenda, with attached Agenda/Notice (Deposition of Michael S. Farrell, Ex. 16)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	125		12/29/2016 Email exchange between John Voelker and Michael Farrell, Subject: Meeting Update/Agenda (Deposition of Michael S. Farrell, Ex. 17)	
	126		12/30/2016 Email from Cheryllynn Wilkins to Sara Brockman, Subject: GIB Meeting December 30, 2016, 12/30/2016 Email from Waylon Hurlburt to Jennifer Kraus, Subject: GIB Meeting December 30, 2016, with attached agenda and 12/29/2016, 12/8/2016, 8/10/2016, and 10/11/2016 Memorandums (Deposition of Michael S. Farrell, Ex. 18)	
	127		12/29/2016 Email from Cheryllynn Wilkins to Sara Brockman, Subject: GIB Meeting December 30, 2016, with attached agenda and 12/29/2016, 12/8/2016, 8/10/2016, and 8/11/2016 Memorandums (Deposition of Michael S. Farrell, Ex. 19)	
	128		12/29/2016 Email chain between Michael Farrell and Casey Himebauch, Subject: Title IX (Deposition of Michael S. Farrell, Ex. 20)	
	129		12/29/2016 Email exchange between Michael Farrell and J.P. Wieske, Subject: Title IX; and 12/29/2016 Email from Michael Farrell to Robert Conlin, Subject: Title IX (Deposition of Michael S. Farrell, Ex. 21)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	130		12/30/2016 Email from Cheryllynn Wilkins to Joan Kohler, Subject: Correspondence; and 12/30/2016 Email from Cheryllynn Wilkins to Sara Brockman, Subject: Additional Correspondence (Deposition of Michael S. Farrell, Ex. 22)	
	131		1/5/2017 Email from Lisa Ellinger to Michael Farrell, Subject: 1/6/2017 call, with attached 1/18/2017 GIB Agenda/Notice (Deposition of Michael S. Farrell, Ex. 24)	
	132		1/7/2018 Email from Lisa Ellinger to Michael Farrell, Subject: Weekend Homework, with attached 1/18/2017 GIB Chair Agenda (Deposition of Michael S. Farrell, Ex. 25)	
	133		1/9/2017 Email from Michael Farrell to Casey Himebauch, Subject: Just FYI for GIB, with attached 1/18/2017 GIB Agenda/Notice (Deposition of Michael S. Farrell, Ex. 26)	
	134		1/7/2017 Email from Lisa Ellinger to Michael Farrell, Subject: Weekend Homework; and 1/9/2017 Email from Michael Farrell to Lisa Ellinger, Subject: Approved for now (Deposition of Michael S. Farrell, Ex. 27)	
	135		1/17/2017 Email exchange between Robert Conlin, Michael Farrell and Lisa Ellinger, Subject: Are all Contingencies Met? (Deposition of Michael S. Farrell, Ex. 28)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	136		January 13 and 17, 2017, Email chain between Lisa Ellinger, Michael Farrell, Robert Conlin and Kevin Potter, Subject: GIB Memo (Deposition of Michael S. Farrell, Ex. 29)	
	137		1/20/2017 Email exchange between Lisa Ellinger, Eileen Mallow, Tara Pray, Joan Kohler, Robert Conlin and David Nispel, Subject: FOR YOUR REVIEW: Addendum 5 to Uniform Benefits, with attached addendum (Deposition of Michael S. Farrell, Ex. 30)	
	138		1/23/2017 Email from Lisa Ellinger to Michael Farrell, Subject: Non Discrim Next Steps, with attached Addendum 5 (Deposition of Michael S. Farrell, Ex. 31)	
	139		1/23/2017 Email from Lisa Ellinger to Michael Farrell, Subject: Non Discrim Next Steps; January 23-24, 2017 Email exchange between Michael Farrell and Waylon Hurlburt, Subject: Quick Question; and 1/24/2017 Email from Lisa Ellinger to Robert Conlin and John Voelker, Subject: Quick Question (Deposition of Michael S. Farrell, Ex. 32)	
	140		1/23 and 1/24/2017 Email chain between Lisa Ellinger and Michael Farrell, Subject: Non Discrim Next Steps (Deposition of Michael S. Farrell, Ex. 33)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	141		1/27/2017 Email from Lisa Ellinger to Michael Farrell, Subject: GIB Item #4 - Transgender Exclusion; and 1/27/2017 Email from Lisa Ellinger to Sara Brockman, Subject: GIB Item #4 - Transgender Exclusion, with attached 1/31/2017, 1/23/2017 Memorandums and 1/31/2017 Addendum (Deposition of Michael S. Farrell, Ex. 34)	
	142		1/27/2017 Email chain between Lisa Ellinger and Michael Farrell, Subject: GIB Item #4 - Transgender Exclusion (Deposition of Michael S. Farrell, Ex. 35)	
	143		1/31/2017 Email from ETF SMB Insurance Submit, Subject: ETF OSHP Weekly Notice 2017:05 (Deposition of Michael S. Farrell, Ex. 36)	
	144		1/31/2017 Email exchange between Lisa Ellinger and Herschel Day, Subject: 2/8 GIB Meeting Materials and Information; and 1/31/2017 Email from Lisa Ellinger to Robert Conlin, John Voelker and Eileen Mallow, Subject: 2/8 GIB Meeting Materials & Information (Deposition of Michael S. Farrell, Ex. 37)	
	145		2/9/2018 Email from Lisa Ellinger to Sara Brockman, Subject: GIB Communications Policy, with attached policy (Deposition of Michael S. Farrell, Ex. 38)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	146		February 14 through 23, 2017, Email chain between Joan Steele, Lisa Ellinger, and David Nispel, Subject: Addendums for Reinstated Exclusion - UPDATE (Deposition of Michael S. Farrell, Ex. 39)	
	147		4/11/2017 Email from Lisa Ellinger to Michael Farrell, Subject: Legislative Letter to GIB: Transgender Benefits, with attached Legislative Letter (Deposition of Michael S. Farrell, Ex. 40)	
	148		5/19/2017 Email from Sara Brockman to Sara Brockman, Subject: 5/24 GIB Meeting Materials; 2/8/2017 Group Insurance Board Minutes; and 5/18/2017 Memorandum to Group Insurance Board from Sara Brockman, Subject: Group Insurance Board Correspondence (Deposition of Michael S. Farrell, Ex. 41)	
	149		Document entitled "The Secretary's Role" (Deposition of Robert J. Conlin, Ex. 1)	
	150		Excerpted Wisconsin State Statutes (Deposition of Robert J. Conlin, Ex. 2)	
	151		2/9/2017 Email from Lisa Ellinger to Sara Brockman, with attached Group Insurance Board Communications Policy (Deposition of Robert J. Conlin, Ex. 3)	
	152		2017 Group Insurance Board Membership Roster (Deposition of Robert J. Conlin, Ex. 4)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	153		7/26/2016 Email from Robert Conlin to Robert Conlin (Members of the Group Insurance Board), Subject: ACLU Action Against Group Insurance Board (Deposition of Robert J. Conlin, Ex. 5)	
	154		7/26/2016 Email from Robert Conlin to David Nispel, Diana Felsmann, Daniel Hayes, Subject: ACLU is Suing Us, and 7/26/2016 Email forwarded from Pamela Henning to Tarna Hunter, Mark Lamkins, and Steve Hurley (Deposition of Robert J. Conlin, Ex. 6)	
	155		8/15/2016 Email chain between Lisa Ellinger, John Voelker, Robert Conlin, and David Nispel, Subject: 8D Motions for Chair Agenda (Deposition of Robert J. Conlin, Ex. 7)	
	156		1/30/2017 Email from Sara Brockman to Cheryllynn Wilkins, Subject: GIB Routing - Item 4 - Self-Insuring RFP Evaluation, with attachments 1/23/2017 Segal Consulting Memorandum and 1/31/2017 Memorandum (Deposition of Robert J. Conlin, Ex. 8)	
	157		1/27/2017 Email exchange between Robert Conlin, Lisa Ellinger, John Voelker, David Nispel, Subject: ACTION REQUESTED 1/27: GIB item #4 – Transgender Exclusion (Deposition of Robert J. Conlin, Ex. 9)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	158		1/27/2017 Email exchange between Robert Conlin, Michael Farrell and Lisa Ellinger, Subject: Are all Contingencies Met? (Deposition of Robert J. Conlin, Ex. 10)	
	159		1/31/2017 Email from Lisa Ellinger to Robert Conlin, Subject: ETF OSHP Weekly Notice 2017:05, with attached 1/31/2017 Addendum to 2017 Uniform Benefits document (Deposition of Robert J. Conlin, Ex. 11)	
	160		10/7/2015 Email from ETF SMB Insurance Submit, Subject: ETF OSHP Weekly Notice 2015:14 CONTRACT ONLY, with attachments (Deposition of Robert J. Conlin, Ex. 12)	
	161		9/2/2016 Email from Robert Conlin to ETF DL Leadership Team, et al., Subject: September Secretary's Report, with attached September 2016 Monthly Secretary's Report (Deposition of Robert J. Conlin, Ex. 14)	
	162		12/29/2016 Email from John Voelker to Michael Farrell, Subject: Meeting Update/Agenda, with attached Agenda/Notice (Deposition of Robert J. Conlin, Ex. 15)	
	163		1/6/2017 Email from Robert Conlin to ETF DL Leadership Team, et al., Subject: January Secretary's Report, with attached January 2017 Monthly Secretary's Report (Deposition of Robert J. Conlin, Ex. 16)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	164		1/30/2017 Correspondence Memorandum, To: Group Insurance Board, From: Robert J. Conlin, Secretary, Subject: 2017 Uniform Benefits and Services Related to Gender Reassignment (Deposition of Robert J. Conlin, Ex. 17)	
	165		11/23/2016 through 12/3/2016 Email chain between Matthew Grabowski and Tarna Hunter, Subject: ACA Section 1557 Coverage, 12/12/2016 Email from Tarna Hunter to Lisa Ellinger and Eileen Mallow and 12/12/2016 Email from Tarna Hunter to Pamela Henning (Deposition of Robert J. Conlin, Ex. 18)	
	166		4/7/2017 Email exchange between Patrick Marley, Tom Evenson, Mark Lamkins, Steven Michels and Stephanie Marquis, Subject: Seeking Comment on ACLU Lawsuit against state/UW/ETF on Transgender Employees, and 4/7/2017 Email from Mark Lamkins to Robert Conlin, John Voelker, and Pamela Henning (Deposition of Robert J. Conlin, Ex. 20)	
	167		11/1/2016 Email exchange between J.P. Wieske and Brian Webb, Subject: Got Your Message (Deposition of Robert J. Conlin, Ex. 21)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	168		8/16/2016 through 10/27/2016 Email chain between J.P. Wieske, Diane Dambach and Jennifer Stegall, Subject: Sex Reassignment Surgery - Revised; 11/3/2016 Email from J.P. Wieske to Casey Himebauch; and 12/29/2016 Email exchange between Casey Himebauch and J.P. Wieske (Deposition of Robert J. Conlin, Ex. 22)	
	169		1/3/2017 and 1/4/2017 Email chain between Lisa Ellinger and Kenneth Vieira, Subject: GIB Motion, and 1/4/2017 Forwarded Email, with attached 11/29/2016 Segal Consulting Memorandum (Deposition of Robert J. Conlin, Ex. 23)	
	170		Terms and Conditions for Comprehensive Medical Plan Participation in the State of Wisconsin Group Health Benefit Program and Uniform Benefits for the 2016 Benefit Year, October 2015 (Excerpt) (Deposition of Nancy L. Thompson, Ex. 1)	
	171		2/1/2017 and 2/2/2017 Email chain between Lisa Ellinger, Tara Pray, Mark Lamkins and Kathy Wienkes, Subject: What's New: Gender Reassignment Exclusion Reinstated (Deposition of Nancy L. Thompson, Ex. 2)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	172		9/2/2016 Correspondence Memorandum, To: Employee Trust Funds Board, From: Robert Conlin, Subject: Monthly Secretary's Report (Deposition of Nancy L. Thompson, Ex. 5)	
	173		8/17/2016 Email from J.P. Wieske to Jennifer Stegall, with attached 8/12/2016 Correspondence Memorandum, To: Group Insurance Board, From: Sara Brockman, Subject: Group Insurance Board Correspondence (Deposition of Nancy L. Thompson, Ex. 7)	
	174		9/28/2016 Email from J.P. Wieske to Bonnie Cyganek, Subject: GIB (Deposition of Nancy L. Thompson, Ex. 8)	
	175		1/5/2017 Email from Joan Steele to Stacie Schlafer, 1/4/2017 Email from ETF SMB Insurance Submit, to ETF OSHP Weekly Notice 2017:01, with attached Clarification: GIB Action Related to Health Coverage Based on Gender Identity (Deposition of Nancy L. Thompson, Ex. 13)	
	176		3/19/2017 and 3/23/2017 Email chain between Herschel Day and Christine Larson, Subject: GIB Recission [sic] of Transition-Related Healthcare Coverage (Deposition of Nancy L. Thompson, Ex. 15)	
	177		2/9/2017 Email from Lisa Ellinger to Sara Brockman, with attached GIB Communications Policy (Deposition of J.P. Wieske, Ex. 1)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	178		Terms and Conditions for Comprehensive Medical Plan Participation in the State of Wisconsin Group Health Benefit Program and Uniform Benefits for the 2016 Benefit Year, October 2015 (Excerpt) (Deposition of J.P. Wieske, Ex. 2)	
	179		5/18/2016 Email from William Schiffbauer to J.P. Wieske and Dan Schwartz (Deposition of J.P. Wieske, Ex. 3)	
	180		6/22/2016 Correspondence Memorandum to the Group Insurance Board from Tara Pray, Subject: Guidelines Contract and Uniform Benefits Changes for 2017 (Deposition of J.P. Wieske, Ex. 4)	
	181		12/8/2016 Voicemail from J.P. Wieske; 12/8/2016 Email from Lisa Ellinger to Robert Conlin, John Voelker and David Nispel, Subject: Message from J.P. Wieske; and 12/8/2016 Email chain between Lisa Ellinger and Sara Brockman, Subject: Message from J.P. Wieske and Requested Memos: GIB Agenda & Memos (Deposition of J.P. Wieske, Ex. 6)	
	182		July 13 and 14, 2016 Email exchange between Lisa Ellinger and Herschel Day, Subject: Follow-up Questions; and 7/14/2016 Email exchange between Lisa Ellinger and Eileen Mallow, Rachel Carabell, Tara Pray and Jeff Bogardus, Subject: Follow-up Questions (Deposition of J.P. Wieske, Ex. 7)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	183		8/17/2016 Email from J.P. Wieske to Jennifer Stegall, Subject: Corres, with attached 8/12/2016 Correspondence Memorandum to the Group Insurance Board from Sara Brockman, 8/10/2016 Wisconsin Department of Justice Memorandum to the Group Insurance Board from Andy Cook, Deputy Attorney General, and 8/11/2016 Correspondence Memorandum to the Group Insurance Board from David Nispel and Diana Felsmann (Deposition of J.P. Wieske, Ex. 8)	
	184		8/16/2016 and 10/24-27/2016 Email chain between J.P. Wieske, Diane Dambach, Rebecca Rebholz, and Jennifer Stegall, Subject: Nondiscrimination and Gender Discrimination, Sex Reassignment Surgery, and Sex Reassignment Surgery - Revised (Deposition of J.P. Wieske, Ex. 10)	
	185		July 27, 2016 – January 20, 2017 Email correspondence between Diane Dambach, and J.P. Wieske, and others, Re: OCI Tracking of Gender Related Complaints (Deposition of J.P. Wieske, Ex. 11)	
	186		9/28/2016 Email from J.P. Wieske to Bonnie Cyganek, Subject: GIB (Deposition of J.P. Wieske, Ex. 12)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	187		11/1/2016 Email exchange between J.P. Wieske and Brian Webb, Subject: Got Your Message (Deposition of J.P. Wieske, Ex. 13)	
	188		12/8/2016 Correspondence Memorandum to the Group Insurance Board from Sara Brockman, Subject: Discussion and Consideration of 2017 Uniform Benefits – HHS Nondiscrimination Rule (Deposition of J.P. Wieske, Ex. 14)	
	189		12/29/2016 Correspondence Memorandum to the Group Insurance Board from David Nispel, Subject: 2017 Uniform Benefits and Services Related to Gender Reassignment or Sexual Transformation – HHS Nondiscrimination Rule (Deposition of J.P. Wieske, Ex. 16)	
	190		1/4/2017 Email from ETF SMB Insurance Submit, Subject: EFT OSHP Weekly Notice 2017:01, and 1/5/2017 Email from Joan Steele to Stacie Schlafer, Subject: ETF OSHP Weekly Notice 2017:01 (Deposition of J.P. Wieske, Ex. 19)	
	191		9/3/2015 Email from William Schiffbauer to J.P. Wieske, Subject: Politico-Pro: HHS Finally Proposes ACA Anti-Discrimination Health Care Rule (Deposition of J.P. Wieske, Ex. 20)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	192		May 19, 2016 Letter from Dr. Bryan Webster (from Alina Boyden ETF Written Complaint Form) (Dkt. # 131-1)	
	193		U.S. Department of Education's February 22, 2017 Dear Colleague letter, accessed at < <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf</a> >, last accessed September 6, 2018)	
	194		Article Entitled "Societal Implications of Health Insurance Coverage for Medically Necessary Services in the U.S. Transgender Population: A Cost-Effectiveness Analysis" (Deposition of David V. Williams, Ex. 6)	
<b>EXHIBITS PLAINTIFFS MAY OFFER IF THE NEED ARISES</b>				
	195		Deposition of David V. Williams (June 15, 2018)	
	196		Defendants' Responses to Expert Discovery – David V. Williams	
	197		Deposition of Lawrence S. Mayer (June 15, 2018)	
	198		Defendants' Responses to Expert Discovery – Lawrence S. Mayer	
	199		Curriculum Vitae of Lawrence S. Mayer (Deposition of Lawrence S. Mayer, Ex. 2)	
	200		Article entitled "Johns Hopkins Medicine's Commitment to the LGBT Community" (Deposition of Lawrence S. Mayer, Ex. 3)	
	201		Brief of Amici Curiae (Deposition of Lawrence S. Mayer, Ex. 4)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	202		The New Atlantis - Special Report - Sexuality and Gender (Deposition of Lawrence S. Mayer, Ex. 5)	
	203		Department of Health and Human Services Departmental Appeals Board - NCD 140.3, Transsexual Surgery, May 30, 2014 (Deposition of Lawrence S. Mayer, Ex. 6)	
	204		David V. Williams' Curriculum Vitae (Deposition of David V. Williams, Ex. 1)	
	205		David V. Williams' Expert Report on Reassignment Benefits (Deposition of David V. Williams, Ex. 2)	
	206		Chapter on Gender Dysphoria (Deposition of David V. Williams, Ex. 4)	
	207		Milliman White Paper (Deposition of David V. Williams, Ex. 5)	
	208		Article by Lemke Olyslager and Lynn Conway Entitled, "On the Calculation of the Prevalence of Transsexualism" (Deposition of David V. Williams, Ex. 7)	
	209		1/23/17 Segal Consulting Schatten/Vieira Cost Estimate (Deposition of David V. Williams, Ex. 8)	
	210		Standards of Care (Deposition of David V. Williams, Ex. 9)	
	211		Zucker Article (Deposition of David V. Williams, Ex. 10)	
	212		Actuarial Standard Of Practice (Deposition of David V. Williams, Ex. 11)	
	213		Actuarial Standard Of Practice (Deposition of David V. Williams, Ex. 12)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	214		Expert report of Dr. Lawrence S. Mayer submitted on behalf of the State Defendants (Deposition of Lawrence S. Mayer, Ex. 1)	

Dated this 7th day of September, 2018.

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Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		

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