

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

ALINA BOYDEN and
SHANNON ANDREWS,

Plaintiffs,

v.

Case No. 17-CV-0264

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

Defendants.

**DEFENDANTS RESPONSE TO PLAINTIFFS'
RULE 26(A)(3) DISCLOSURES**

Defendants hereby respond to Plaintiffs' Rule 26(a)(3) disclosures (Dkt. 160) as follows:

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

Defendants object to the inclusion of Francis Sullivan on Plaintiffs' witness list. Plaintiffs named Sullivan as a defendant in his official capacity only, as he was a Wisconsin Group Insurance Board (GIB) member at the time they filed their proposed second amended complaint. (Dkt. 108-1:11 ¶ 32.) After this complaint became the operative pleading, Sullivan left his position on GIB and, pursuant to Fed. R. Civ. P. 25(d), Defendants notified the Court that Robert Wimmer should be substituted as an official capacity

defendant in place of Sullivan. (Dkt. 145.) Moreover, Plaintiffs' operative complaint contains no allegations regarding Sullivan's personal conduct. (*See generally* Dkt. 108-1.) Since Sullivan has no relevant knowledge and no further role in this case, Plaintiffs should not be permitted to call him as a witness.

Defendants do not object to any other witnesses that Plaintiffs have identified.

II. Rule 26(a)(e)(ii).

Defendants do not object to any of the designations Plaintiffs have made under Rule 26(a)(3)(ii), with the caveat that Defendants expect that Plaintiffs will identify specific portions of the depositions to be offered into evidence as directed by Rule I.C.2. of this Court's Jury Trial Procedures for Pretrial Submissions. (Dkt. 45)

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

Pursuant to Rule I.D.1. of this Court's Jury Trial Procedures for Pretrial Submissions (Dkt. 45), objections to the opposing parties' designated exhibits are due six days after the final pretrial conference, which is scheduled in this case for September 25, 2018. Accordingly, Defendants will provide any and all objections to Plaintiffs' proposed trial exhibits at that time.

[Signature Page follows]

Dated this 14th day of September, 2018.

Respectfully submitted,

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Electronically signed by:

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