

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' MOTION FOR LEAVE
TO FILE SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT
AS TO GROUP INSURANCE BOARD MEMBERS**

On September 5, 2018, Plaintiffs moved this court for leave to file a supplemental motion for summary judgment, along with a supporting brief and findings of fact. (Dkt. 157; 157-1; 157-2; 157-3.) That proposed supplemental motion seeks summary judgment against the eleven Wisconsin Group Insurance Board (GIB) members who Plaintiffs added as new defendants in their second amended complaint (covering seven GIB members in their individual and official capacities and four in their official capacities, alone). (Dkt. 157:1–2.)

Defendants do not oppose Plaintiffs' motion for leave to file the supplemental summary judgment motion.

Defendants do, however, oppose Plaintiffs' proposed supplemental summary judgment motion.¹ For the same reasons discussed in the briefs supporting Defendants' original summary judgment motion, Plaintiffs' official capacity equal protection claims fail against both Secretary Conlin and the individual GIB members. (Dkt. 81:19–39; 126:21–33.)² Likewise, Plaintiffs' individual capacity claims against the individual GIB members fail for all the reasons described in the briefs supporting Defendants' supplemental summary judgment motion. (Dkt. 142; 154.) Defendants do not believe that further briefing by either party is required to resolve Plaintiffs' proposed supplemental summary judgment motion.

Dated this 17th day of September, 2018.

Respectfully submitted,

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s/ Steven C. Kilpatrick
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¹ Defendants do not dispute any of Plaintiffs' proposed supplemental findings of fact at docket entry 157-2.

² Pincites to the docket refer to the ECF page header, not the internal numbering system.

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