

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' PROPOSED ADDITIONAL LANGUAGE

The Court has permitted Defendants to provide proposed additional language concerning entry of an injunction and the Group Insurance Board's vote to remove the coverage exclusion no later than September 27 (and Plaintiffs to respond no later than October 1, 2018). (Dkt. 215:1.)

Defendants propose that the following language be added to the end of the current page 1 of the Court's "Introductory Instructions": "However, Defendant State of Wisconsin Group Insurance Board has since decided to end this coverage exclusion, so state employees may obtain these benefits in the future."

This additional language is necessary to make it clear to the jury that, because of GIB's vote to remove the exclusion (and any subsequent injunction issued by this Court), the damages period does not continue into the future. It is important to make this clear from the start of the proceedings, so the jury

is able to better focus on the relevant retrospective damages issues. Also, Defendants believe this proposed language aligns with Plaintiffs' statement at the September 25 pretrial conference that they likely will not seek future money damages. And, as this Court is aware, the parties are meeting and conferring about the scope of the damages period, and such language will be provided, either jointly or separately, on or before October 1.

Dated this 27th day of September, 2018.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

s/ Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

COLIN T. ROTH
Assistant Attorney General
State Bar #1103985

JODY J. SCHMELZER
Assistant Attorney General
State Bar #1027796

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-1792 (SCK)
(608) 264-6219 (CTR)
(608) 266-3094 (JJS)
(608) 267-2223 (Fax)
kilpatricksc@doj.state.wi.us
rothct@doj.state.wi.us
schmelzerjj@doj.state.wi.us