

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

ALINA BOYDEN and
SHANNON ANDREWS,

Plaintiffs,

Case No. 17-cv-264

v.

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

Defendants.

JOINT PROPOSED JURY INSTRUCTION REGARDING DAMAGES PERIOD

Plaintiffs, through their undersigned attorneys, and Defendants, through their undersigned attorneys, pursuant to the Court's September 25, 2018 Order (Dkt. # 215), submit the following proposed closing jury instruction language regarding the time period for Plaintiffs' damages claim.

In Section C. of the Closing Jury Instructions, the parties propose the following language:

As described above, you should compensate plaintiffs for any injury that you find they sustained during the period of their employment by the State of Wisconsin to the present day directly resulting from the wrongful exclusion at issue in this lawsuit. Shannon Andrews has been a State employee and subject to the exclusion from March 2014 to the present. Alina Boyden has been a State employee and subject to the exclusion from May 2015 to the present. You heard testimony from plaintiffs

about their gender dysphoria and efforts to treat that medical condition, which *predate* their employment with the State of Wisconsin, and thus also predate being subject to the exclusion of coverage at issue in this lawsuit. In determining an appropriate damages award, you should *not* award plaintiffs damages for any uncovered out-of-pocket costs or emotional distress they experienced before the dates of their employment, as described above, or beyond today.

Dated this 1st day of October, 2018.

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