

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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**JOINT NOTICE OF STIPULATIONS REGARDING EXHIBITS**

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The Parties to the above action, by their undersigned attorneys, having met and conferred on October 2, 2018, regarding objections to their proposed trial exhibits, hereby stipulate as follows:

1. Pursuant to this Court's Jury Trial Procedures for Pretrial Submissions, the Parties shall each submit their proposed trial exhibits, identifying any exhibits still in dispute.

2. With regard to Plaintiffs' proposed exhibits:

a. Plaintiffs intend to use Exhibits 1 and 2 (Defendants' Responses and Objections to Plaintiffs' Requests for Admission, Interrogatories, and Requests for Production of Documents), only for purposes of impeachment or rebuttal. To the extent any portion of these exhibits is offered in evidence, only the pertinent Request and Response will be published to the jury. To the extent

the Court permits exhibits to be provided to jurors during deliberations, only the pertinent Request and Response will be provided. Defendants reserve the right to object to specific uses of these exhibits at trial.

b. Plaintiffs shall use Exhibits 3-5 (Expert Reports of Dr. Budge) only to refresh witness recollection and will not seek to publish or provide the reports to the jury.

c. Defendants have withdrawn their objection to Exhibit 6 (Letter from Dr. Webster).

d. Plaintiffs generally intend to use Exhibits 7-10 (certain of Alina Boyden's medical records and related documents) and 13-19 (certain of Shannon Andrews' medical records and related documents) to refresh recollection only. To the extent Plaintiffs seek admission of any limited portion of these records for other purposes, they will make a proffer during trial of the specific page(s) sought to be admitted, to which Defendants may object. Plaintiffs' agree that only such page(s) to which Defendants do not object or which the Court rules admissible will be published or provided to the jury during deliberations.

3. With respect to Defendants' proposed exhibits:

a. The Parties agree that the page(s) of the Uniform Benefits documents identified as Exhibits 501-503 setting forth the exclusion of "procedures, services, and supplies related to surgery and sex hormones associated with gender reassignment" (the "Exclusion") is/are admissible.

Defendants will not seek to publish or provide to the jury during deliberations the entire Uniform Benefits documents identified as Exhibits 501-503. To the extent Defendants seek admission of portions of the Uniform Benefits other than the Exclusion, they will make a proffer during trial of the specific page(s) sought to be admitted, to which Plaintiffs may object. Defendants agree that only such page(s) to which Plaintiffs do not object or which the Court deems admissible will be published or provided to the jury during deliberations. Defendants will not seek to admit, publish or provide to the jury any cosmetic services and procedures exclusion contained in these documents.

b. Defendants will use Exhibits 504, 506, and 520-528 (Hayes Directory reports, Centers For Medicare and Medicaid Services memorandum and various journal articles), only for purposes of impeachment or rebuttal and adhere to the limitations of Fed. R. Evid. 801(d)(1) and/or Fed. R. Evid. 803(18), as applicable. Plaintiffs reserve the right to object to use of these exhibits individually at trial.

c. Defendants agree that any use of Exhibit 505 (WPATH Standards of Care) will adhere to the limitations of Fed. R. Evid. 803(18), such that a qualified expert witness may read admissible portions of the document, but the document will not be published or provided to the jury during deliberations. Plaintiffs reserve the right to object to specific proposed uses of the WPATH standards during trial.

d. Defendants will seek admission of only those portions of Exhibits 516-519 (certain of Alina Boyden's medical records) about which she was questioned in her deposition or which are used for impeachment. Defendants agree they will not seek admission of the entirety of Exhibits 509-510 and 515 (certain of Shannon Andrews' medical records). To the extent Defendants seek admission of any portion of these records, they will make a proffer during trial of the specific page(s) sought to be admitted, to which Plaintiffs may object. Defendants agree that only such page(s) to which Plaintiffs do not object or which the Court rules admissible will be published or provided to the jury during deliberations.

e. Plaintiffs do not (and will not) object to the authenticity of Exhibits 509 through 519, either in their entirety or as to any portion therein.

Dated this 3rd day of October, 2018.

**HAWKS QUINDEL, S.C.**

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