

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

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ALINA BOYDEN and  
SHANNON ANDREWS,

Plaintiffs,

v.

Case No. 17-CV-0264

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

Defendants.

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**DECLARATION OF COLIN ROTH  
IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT**

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I, **COLIN ROTH**, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am employed as an Assistant Attorney General at the Wisconsin Department of Justice (DOJ). I am one of the attorneys for the State of Wisconsin Department of Employee Trust Funds, State of Wisconsin Group Health Insurance Board, and Robert J. Conlin in the above-captioned matter.

2. This declaration is based on my personal knowledge.

3. On Thursday, May 24, 2018, I participated in a telephone call with Plaintiffs' counsel, Larry Dupuis and John Knight. I informed Plaintiffs' counsel that the State Defendants intended to file their summary judgment motion on May 29, 2018.

4. Through e-mail communications on May 22, 2018, and May 23, 2018, Plaintiffs' counsel had asked to depose the State Defendants' expert witnesses before Plaintiffs' summary judgment opposition deadline. Since Plaintiffs likely assumed that the State Defendants intended to file their summary judgment motion on June 8, 2018, I disclosed on the May 24, 2018, telephone call the State Defendants' summary judgment filing intention to accommodate Plaintiffs' deposition scheduling request.

5. Due to an oversight by the litigation team at DOJ, the deadline for State Defendants' opposition to Plaintiffs' motion for leave to amend was not calendared for June 1, 2018. Both DOJ attorneys and support staff did not notice the opposition deadline inserted to the text of docket entry 74. Moreover, the period between Plaintiffs' filing their motion for leave to amend on May 25, 2018, and June 1, 2018, contained a significant amount of work by the DOJ litigation team in preparing and filing State Defendants' summary judgment motion on June 1, 2018. The DOJ litigation team realized its error on June 5, 2018, and it filed State Defendants' opposition brief as quickly thereafter as possible.

*[Signature page follows]*

I declare under penalty of perjury that the forgoing is true and correct.

Executed on June 5, 2018.

s/ Colin T. Roth  
COLIN ROTH