

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

CODY FLACK,
SARA ANN MAKENZIE,
MARIE KELLY, and
COURTNEY SHERWIN,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF
HEALTH SERVICES and
LINDA SEEMEYER, in her official capacity
as Secretary of the Wisconsin Department of
Health Services,

Defendants.

Case No. 3:18-cv-00309-wmc
Judge William Conley

DECLARATION OF MARK A. PETERSON

I, Mark A. Peterson, declare as follows:

1. I have personal knowledge of the matters stated in this declaration.
2. This is filed in support of Plaintiffs' Motion for Class Certification.
3. I graduated from Marquette Law School in 1975 and have been a member of the Wisconsin bar since that time. I have also been a member of the Colorado bar since 2002. I am also admitted to the U.S. District Courts for the Eastern and Western Districts of Wisconsin, the U.S. Seventh and Tenth Courts of Appeal, and the U.S. Supreme Court.
4. I am a Certified Civil Trial Specialist as determined by the National Board of Trial Advocacy. I have held that certification since 1994.
5. I have served as lead counsel in the following cases involving civil rights and disability law:

Oconomowoc Residential Programs, Inc. v. City of Greenfield, 23 F.Supp.2d 941 (E.D. Wis. 1998). Americans with Disabilities Act and Fair Housing Act - group home zoning.

Oconomowoc Residential Programs v. City of Milwaukee, 300 F. 3d 775 (7th Cir. 2002) ADA and FHA - group home zoning.

Crabtree Residential Living, Inc. v. City of Kenosha, Case No. 10-CV-0691 (E.D. Wis.) ADA and FHA - challenge to restrictive group home zoning ordinance.

6. I served as counsel in the following class actions which settled after class certification:

Ireton v. American Family Life Insurance Co., Case No. 97-C-1184 (E.D. Wis.) - *Dehne v. American Family Life Insurance Co.*, Case No. 97-CV-388 (Waukesha Cnty. Cir. Ct.) Vanishing premium life insurance marketing scheme.

In re: Lutheran Brotherhood Insurance Products Co, Sales Practices Litigation, Case No. 99-MD-1309 (D. Minn.) Vanishing premium life insurance marketing scheme.

Spence v. Microsoft Corporation, Case No. 00-CV-3042 (Milwaukee Cnty. Cir. Ct.) – *Capp v. Microsoft Corporation*, Case No. 00-CV-0637 (Dane Cnty. Cir. Ct.) and *Bettendorf v. Microsoft Corporation*, Case No. 03-CV-0563 (St. Croix Cnty. Cir. Ct.) were consolidated under the *Spence* case. Monopolistic marketing practices affecting the cost of Windows 98 operating systems.

7. I served as counsel in the following class actions which were settled after transfer to Multi-District Litigation:

Weinke v. Microsoft Corporation, Case No. 99-C-1505 (E.D. Wis.) – *In re Microsoft Corp. Windows Operating Systems Antitrust Litigation*, MDL Docket No. 1332. Antitrust claims regarding operating software.

Burkee v. Sulzer Medica, Ltd., Case No. 01-CV-0512 (E.D. Wis.) – *In re Sulzer Orthopedics, Inc. Hip Prosthesis and Knee Prosthesis Products Liability Litigation*, MDL Docket No. 1401. Injuries caused by hip prosthesis injuries.

8. I also served as counsel in the following cases that were settled before class certification:

Wildin v. American Family Mutual Insurance Company, Case No. 00-CV-2082 (Dane Cnty. Cir. Ct.) Challenging use of off-brand auto replacement parts.

Northwestern Mutual Life Insurance Company v. Citigroup Securities, Case No. 03-C-0608 (E.D. Wis.) Misrepresentations by underwriters in the sale of bonds and other securities.

Meyer v. The Laser Vision Institute, Case No. 04-CV-0559 (Sheboygan Cnty. Cir. Ct.)
Deceptive marketing practices regarding laser surgery.

Willes v. Alta College, Inc., Case No. 10-CV-0441 (W.D. Wis.) Deceptive marketing
practices aimed at students of for-profit college.

I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct.

Executed this 16th day of October, 2018.

/s/ Mark A. Peterson

MARK A. PETERSON