

**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 ROBERT THEINE PLEDL**

I, Robert Theine Pledl, 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 the John Marshall Law School in 1980 and have been a member of the Wisconsin Bar since that time. I am also admitted to the U.S. District Courts for the Eastern and Western Districts of Wisconsin and to the U.S. Seventh Circuit Court of Appeals.
4. I served as local counsel with Relman, Dane & Colfax in *Whitaker v. Kenosha Unified School District*, 858 F.3d 1034 (7<sup>th</sup> Cir. 2017), which involved similar issues of sex discrimination against a transgender student.
5. I was lead counsel in the following cases involving civil rights and disability law:  
*In the Matter of K.C.*, 142 Wis.2d 906 (Wis. Sup. Ct. 1988) Constitutional challenge to Wisconsin statute requiring parents to pay for the incarceration of their children in juvenile correctional institutions.

*Oconomowoc Residential Programs v. City of Milwaukee*, 300 F. 3d 775 (7th Cir. 2002)  
Americans with Disabilities Act and Fair Housing Act - group home zoning.

*A.B.K. v. Madison Metropolitan School District*, Case No. 03-CV-0742 (W.D. Wis.)  
ADA – challenge to the disparate treatment of students with disabilities in the Wisconsin  
public school open enrollment program.

*Wisconsin Community Services, Inc. v. City of Milwaukee*, 465 F.3d 737 (7<sup>th</sup> Cir. 2006)  
(*en banc*) ADA - zoning for mental health clinic.

*Crabtree Residential Living, Inc. v. City of Kenosha*, Case No. 10-CV-0691 (E.D. Wis.)  
ADA and FHA – damages for individual resident affected by group home zoning.

*Amundson v. Wisconsin Dept. of Health Services*, 721 F.3d 871 (7<sup>th</sup> Cir. 2013) ADA –  
funding levels in Medicaid long-term care program.

*REM Wisconsin v. Village of Holmen*, Case No. 17-CV-662 (W.D. Wis.) ADA and FHA  
– challenge to municipality’s ordinance regarding closure of group homes.

6. I served as class counsel in the following certified class actions:

*Joan S. v. Gudeman*, Case No. 91-CV-0717 (E.D. Wis.) §1983 - deinstitutionalization of  
residents at Milwaukee County mental health facility.

*Vincent Z. v. Village of Greendale*, Case No. 96-CV-1101 (E.D. Wis.) ADA and FHA –  
challenge to Wisconsin group home zoning statute.

*Burg v. Milwaukee County*, Case No. 98-CV-0073 (E.D. Wis.) ADA – quality of services  
for riders with disabilities in the Milwaukee County paratransit system.

*Bzdawka v. Milwaukee County*, Case No. 04-CV-0193, 238 F.R.D. 469 (E.D. Wis. 2006)  
ADA – appeal procedures and funding levels in Medicaid long-term care program.

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

Executed this 16<sup>th</sup> day of October, 2018.

/s/ Robert Theine Pledl

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ROBERT THEINE PLEDL