

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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**STATE DEFENDANTS' NOTICE OF APPEAL**

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NOTICE is hereby given that Defendants State of Wisconsin Department of Employee Trust Funds, State of Wisconsin Group Insurance Board, Robert J. Conlin, in his official capacity as Secretary of the Department of Employee Trust Funds, and Michael S. Farrell, Stacey Rolston, Charles Grapentine, Waylon Hurlburt,<sup>1</sup> Theodore Neitzke, J.P. Wieske, Bob Ziegelbauer, Jennifer Stegall, Robert Wimmer, Herschel Day, and Nancy Thompson, in their official capacities as members of the State of Wisconsin Group Insurance Board (hereafter collectively "State Defendants"), appeal to the United States Court of Appeals for the Seventh Circuit from the District Court's final judgment entered in this action on

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<sup>1</sup> Mr. Hurlburt's name was misspelled as "Hurburt" in the district court caption.

October 11, 2018. (Dkt. 240.) A true and correct copy of the final judgment is being filed with this Notice of Appeal.

The counsel of record for State Defendants on appeal will be Assistant Attorney General Steven C. Kilpatrick. State Defendants have paid the applicable filing fee.

Dated this 9th day of November, 2018.

Respectfully submitted,

BRAD D. SCHIMEL  
Attorney General of Wisconsin

Electronically signed by:

s/ Steven C. Kilpatrick  
STEVEN C. KILPATRICK  
Assistant Attorney General  
State Bar #1025452

COLIN T. ROTH  
Assistant Attorney General  
State Bar #1103985

JODY J. SCHMELZER  
Assistant Attorney General  
State Bar #1027796

Attorneys for State Defendants

Wisconsin Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707-7857  
(608) 266-1792 (SCK)  
(608) 264-6219 (CTR)  
(608) 266-3094 (JJS)  
(608) 267-2223 (Fax)  
kilpatricksc@doj.state.wi.us  
rothct@doj.state.wi.us  
schmelzerjj@doj.state.wi.us

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

---

ALINA BOYDEN and SHANNON  
ANDREWS,

Plaintiffs,

v.

ROBERT J. CONLIN, STATE OF  
WISCONSIN DEPARTMENT OF  
EMPLOYEE TRUST FUNDS, STATE OF  
WISCONSIN GROUP INSURANCE  
BOARD, MICHAEL S. FARRELL, STACEY  
ROLSTON, CHARLES GRAPENTINE,  
WAYLON HURBURT, THEODORE  
NIETZKE, J.P. WIESKE, BOB  
ZIEGELBAUER, JENNIFER STEGALL,  
ROBERT WIMMER, HERSCHEL DAY, and  
NANCY THOMPSON,

Defendants.

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JUDGMENT IN A CIVIL CASE

Case No. 17-cv-264-wmc

This action came before the court and a jury for consideration with District Judge William M. Conley presiding. The issues have been tried and the jury has rendered its verdict.

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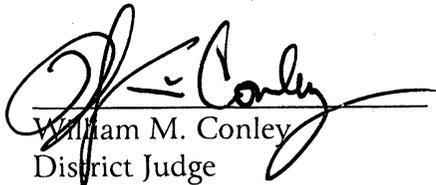
IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Alina Boyden in the amount of \$301,000.00 and plaintiff Shannon Andrews in the amount of \$479,500.00 against defendants State of Wisconsin Department of Employee Trust Funds and State of Wisconsin Group Insurance Board, jointly and severally.

IT IS FURTHER ORDERED AND ADJUDGED that defendants Robert J. Conlin, State of Wisconsin Department of Employee Trust Funds, State of Wisconsin Group Insurance Board, Michael S. Farrell, Stacey Rolston, Charles Grapentine, Waylon Hurburt, Theodore Nietzsche, J.P. Wieske, Bob Ziegelbauer, Jennifer Stegall, Robert Wimmer, Herschel Day, and

Nancy Thompson, are PERMANENTLY ENJOINED from enforcing the State of Wisconsin's exclusion of coverage for "[p]rocedures, services and supplies related to surgery and sex hormones associated with gender reassignment" from health insurance coverage provided to state employees.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiffs' claims asserted against defendants Board of Regents of the University of Wisconsin System, Raymond W. Cross, Rebecca M. Blank, University of Wisconsin School of Medicine and Public Health, Robert N. Golden, and Dean Health Plan are DISMISSED.

Approved as to this 11th day of October, 2018.

  
William M. Conley  
District Judge

  
Peter Oppeneer  
Clerk of Court

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IN THE UNITED STATES DISTRICT COURT  
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ALINA BOYDEN and  
SHANNON ANDREWS,

Plaintiffs,

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Case No. 17-CV-0264

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

Defendants.

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**STATE DEFENDANTS' DOCKETING STATEMENT**

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Defendants State of Wisconsin Department of Employee Trust Funds, State of Wisconsin Group Insurance Board, Robert J. Conlin, in his official capacity as Secretary of the Department of Employee Trust Funds, and Michael S. Farrell, Stacey Rolston, Charles Grapentine, Waylon Hurlburt,<sup>1</sup> Theodore Neitzke, J.P. Wieske, Bob Ziegelbauer, Jennifer Stegall, Robert Wimmer, Herschel Day, and Nancy Thompson, in their official capacities as members of the State of Wisconsin Group Insurance Board (hereafter collectively "State Defendants"), concurrent with their Notice of Appeal filed today, hereby submit this docketing statement. *See* 7th Cir. R. 3(c)(1).

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<sup>1</sup> Mr. Hurlburt's name was misspelled as "Hurburt" in the district court caption.

**I. The district court's jurisdiction.**

The district court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights) over this civil case commenced by a complaint filed by Plaintiffs Alina Boyden and Shannon Andrews in United States District Court for the Western District of Wisconsin on April 4, 2017. (Dkt. 1.) Plaintiffs pursued claims for monetary, declaratory, and injunctive relief under 42 U.S.C. § 18116 (the Patient Protection and Affordable Care Act), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution brought pursuant to 42 U.S.C. § 1983.

Plaintiffs filed an amended complaint on June 16, 2017. (Dkt. 27.) The district court, through an order dated June 25, 2018, accepted Plaintiffs' second amended complaint (Dkt. 108-1), as modified by the order, as the operative pleading in the case. (Dkt. 109.)

**II. The court of appeals' jurisdiction.**

The United States Court of Appeals for the Seventh Circuit has appellate jurisdiction pursuant to 28 U.S.C. § 1291 over this appeal from the district court's final judgment. (Dkt. 270.)

On this date, November 9, 2018, State Defendants timely filed their Notice of Appeal within 30 days of the entry of final judgment on October 11,

2018, in favor of the plaintiffs and against them, along with a copy of the final judgment. *See* Fed. R. App. P. 4(a)(1)(A).

**III. Prior or related appellate proceedings.**

None.

**IV. Current identities of parties named in an official capacity.**

Robert J. Conlin, in his official capacity as Secretary of the Department of Employee Trust Funds, and Michael S. Farrell, Stacey Rolston, Charles Grapentine, Waylon Hurlburt, Theodore Neitzke, J.P. Wieske, Bob Ziegelbauer, Jennifer Stegall, Robert Wimmer, Herschel Day, and Nancy Thompson, in their official capacities as members of the State of Wisconsin Group Insurance Board, are defendants.

**V. Counsel of Record.**

Steven C. Kilpatrick, Assistant Attorney General, Wisconsin Department of Justice, 17 W. Main St., Post Office Box 7857, Madison, Wisconsin 53707-7857, Telephone: (608) 266-1792, Facsimile: (608) 267-2223, kilpatricksc@doj.state.wi.us.

*[signature page follows]*

Dated this 9th day of November, 2018.

Respectfully submitted,

BRAD D. SCHIMEL  
Attorney General of Wisconsin

Electronically signed by:

s/ Steven C. Kilpatrick  
STEVEN C. KILPATRICK  
Assistant Attorney General  
State Bar #1025452

COLIN T. ROTH  
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rothct@doj.state.wi.us  
schmelzerjj@doj.state.wi.us