

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

ALINA BOYDEN and
SHANNON ANDREWS,

Plaintiffs,

v.

Case No. 17-CV-0264

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

Defendants.

**STATEMENT ON PARTIAL TRANSCRIPT AND
ON THE ISSUES ON APPEAL**

Pursuant to Federal Rule of Appellate Procedure 10(b)(3), Defendants-Appellants¹ hereby offer this statement of the issues that they intend to present on appeal.

Defendants-Appellants intend to present all issues on which they did not prevail that were addressed in the following motions and accompanying briefs:

¹ Wisconsin Department of Employee Trust Funds; Robert J. Conlin, in his individual and official capacity as Secretary of the Wisconsin Department of Employee Trust Funds; Wisconsin Group Insurance Board; 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 individual and official capacities as members of the Wisconsin Group Insurance Board.

- Defendants-Appellants' motion to dismiss, at docket entry 28 (granted in part and denied in part at docket entry 67);
- Defendants-Appellants' motion for summary judgment, at docket entry 80 (granted in part and denied in part at docket entry 207);
- Defendants-Appellants' supplemental motion for summary judgment, at docket entry 141 (granted in part and denied in part at docket entry 207); and
- Plaintiffs' motion for partial summary judgment, at docket entry 95 (granted in part and denied in part at docket entry 207).

Since the district court resolved these motions without holding any evidentiary hearings or oral argument, no transcript is necessary for appellate review of the district court's decisions at docket entries 67 and 207.

Further, Defendants-Appellants hereby provide notice that they do not intend to order a transcript of the damages trial in the district court. Defendants-Appellants intend to raise only issues addressed in the motion to dismiss and motions for summary judgment cited above. They do not intend to raise any damages issues addressed at trial, and so the trial transcript is not a relevant part of the record in this appeal.

Dated this 23rd day of November, 2018.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

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 #102779

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