

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

ALINA BOYDEN and
SHANNON ANDREWS,

Plaintiffs,

Case No. 17-cv-264

v.

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

Defendants.

**NOTICE OF CROSS-APPEAL UNDER FEDERAL RULE
OF APPELLATE PROCEDURE 4(a)(3)**

Notice is hereby given that Plaintiffs, Alina Boyden and Shannon Andrews, hereby cross-appeal to the United States Court of Appeals for the Seventh Circuit from the judgment entered on October 11, 2018. (Dkt. 240), and from the order entered on May 11, 2018, dismissing the University of Wisconsin Board of Regents as a Defendant to Plaintiffs' claims under Title VII of the Civil Rights Act of 1964, and the Group Insurance Board as a Defendant to Plaintiffs' claims under the Affordable Care Act, 42 U.S.C. § 18116 (Dkt. 67), and from the order entered on September 19, 2018, dismissing Defendants Robert J. Conlin, Michael S. Farrell, Stacey Rolston, Charles Grapentine, Waylon Hurlburt, Theodore Neitzke, J.P. Wieske, Bob Ziegelbauer, Jennifer Stegall, and Robert Wimmer, in their individual

capacities, as Defendants to Plaintiffs' damages claims against them under 42 U.S.C. § 1983. The final judgment (Dkt. 240) is attached to this notice.

Dated this 21st day of November, 2018

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**PLAINTIFFS—APPELLEES—CROSS-APPELLANTS’
DOCKETING STATEMENT**

The Plaintiffs-Appellees-Cross-Appellants Alina Boyden and Shannon Andrews, by their undersigned attorneys, submit this Seventh Circuit Rule 3(c) Docketing Statement in support of their cross-appeal filed November 21, 2018.

I. Jurisdiction of the District Court

Jurisdiction is proper under 28 U.S.C. § 1343 over this civil rights case brought by Plaintiffs Alina Boyden and Shannon Andrews on April 4, 2017 (Dkt. 1). The District Court also has federal question jurisdiction over this action because Plaintiffs’ claims arose under the Constitution and laws of the United States; thus jurisdiction is conferred under 28 U.S.C. § 1331. The Second Amended Complaint (Dkt. 109) was accepted as the operative

pleading in this case, with modification by court order, on June 25, 2018 (Dkt. 108-1).

II. Jurisdiction of the Court of Appeals

Appellate jurisdiction is proper over this cross-appeal from the district court's final judgment (Dkt. 270) pursuant to 28 U.S.C. § 1291 in the United States Court of Appeals for the Seventh Circuit.

On November 9, 2018, State Defendants filed their Notice of Appeal (Dkt. 246) from the entry of the final judgment in this case. (Dkt. 240). Plaintiffs now timely file their Notice of Cross-Appeal within 14 days after the date when the first notice of appeal was filed in this case. *See* Fed. R. App. P. 4(a)(3).

III. Prior or related appellate proceedings

There have been no prior or related appellate proceedings in this case. Defendants filed their Notice of Appeal on November 9, 2018 (Dkt. 246).

IV. Current identities of parties to litigation appearing in their official capacities

State defendants are 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.

V. Counsel of Record

John A. Knight, counsel for the Plaintiffs, American Civil Liberties Union Foundation, Lesbian Gay Bisexual Transgender Project, 150 North Michigan Avenue, Suite 600, Chicago, Illinois, 60601, Telephone: (312) 201-9740, jknight@aclu-il.org, is counsel of record for Cross-Appellants.

Dated this 21st day of November, 2018

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FOR THE WESTERN DISTRICT OF WISCONSIN

ALINA BOYDEN and SHANNON
ANDREWS,

Plaintiffs,

v.

JUDGMENT IN A CIVIL CASE

Case No. 17-cv-264-wmc

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.

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.

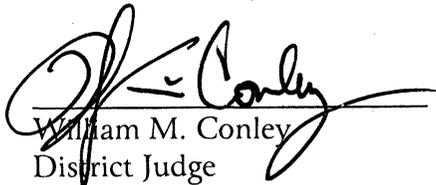
IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Alina Boyden in the amount of \$301,000.00 and plaintiff Shannon Andrews in the amount of \$479,500.00 against defendants State of Wisconsin Department of Employee Trust Funds and State of Wisconsin Group Insurance Board, jointly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