

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

CODY FLACK, *et al.*,  
*individually and on behalf of all others  
similarly situated,*

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES, *et al.*,

Defendants.

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

**SECOND SUPPLEMENTAL DECLARATION OF MARIE C. KELLY**

I, Marie C. Kelly, declare as follows:

1. I am one of the plaintiffs in the above-captioned case. I have personal knowledge of the matters stated in this declaration. This declaration supplements my previous two declarations submitted in support of Plaintiffs' Motion to Modify the Preliminary Injunction [ECF No. 93] and Plaintiffs' Motion for Summary Judgment [ECF No. 160].

2. When I submitted my last declaration, on April 22, 2019, my Wisconsin Medicaid (BadgerCare) coverage had recently been terminated because my variable monthly income as a temporary employee had briefly exceeded the BadgerCare monthly income limit.

3. On May 2, 2019, I received a letter indicating that I was again eligible for BadgerCare based on my income and that my renewed coverage had become effective as of May 1, 2019.

4. I am currently working an average of 20 hours a week and earning approximately \$11/hour. Based on the number of hours I am working, and my corresponding income, I expect to continue be eligible for BadgerCare based on my income for the foreseeable future. As stated

in my last declaration, I have also applied for disability-based Medicaid and am awaiting a decision on whether I am eligible for that type of Medicaid coverage.

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

Executed this 21st day of May, 2019.

  
Marie C. Kelly