

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

CODY FLACK, *et al.*,

Plaintiffs,

v.

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

Defendants.

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

JOINT STIPULATION OF PARTIAL DISMISSAL

Under Fed. R. Civ. P. 41(a)(1)(A)(ii) and the terms of a partial settlement agreement, Plaintiffs Cody Flack, Sara Ann Makenzie, Marie Kelly, and Courtney Sherwin (the “Named Plaintiffs”), and Defendants Wisconsin Department of Health Services (“DHS”) and DHS Secretary-Designee Andrea Palm, in her official capacity (“Defendants”) (collectively, the “Parties”), respectfully notify the Court that they have resolved the Named Plaintiffs’ claims for individual damages and the claims Relman, Dane & Colfax PLLC, Davis & Pledl, S.C., and the National Health Law Program (collectively, “Class Counsel”) for their reasonable attorneys’ fees, costs, and expenses incurred through the date of this Court’s entry of final judgment,¹ contingent on the Court’s entry of final judgment for Plaintiffs in this case and final disposition of any appeal in Plaintiffs’ favor. The Parties’ partial settlement does not address or affect Plaintiffs’ other claims for declaratory, injunctive, and equitable relief, except for the reasonable attorneys’ fees, costs, and expenses for Class Counsel on those claims.

¹ This includes claims for attorneys’ fees, costs, and expenses incurred by Plaintiffs’ former counsel, McNally Peterson, S.C., through that firm’s termination on March 14, 2019, which will be distributed by Class Counsel pursuant to a separate agreement.

Accordingly, the Parties jointly stipulate to the dismissal with prejudice of the Named Plaintiffs' claims for individual damages and Class Counsel's claims for reasonable attorneys' fees, costs, and expenses incurred through the date of this Court's entry of final judgment.

Dated: October 30, 2019

/s/ Joseph J. Wardenski
Joseph J. Wardenski
Jennifer I. Klar
Orly May
Alexa Milton
RELMAN, DANE & COLFAX PLLC
1223 19th Street, NW, Suite 600
Washington, DC 20036
Telephone: (202) 728-1888
Facsimile: (202) 728-0848
jwardenski@relmanlaw.com
jklar@relmanlaw.com
omay@relmanlaw.com
amilton@relmanlaw.com

Robert Theine Pledl
DAVIS & PLEDL, S.C.
1433 N. Water Street, Suite 400
Milwaukee, WI 53202
(414) 488-1354
rtp@davisandpled.com

Abigail Coursolle
Catherine McKee
NATIONAL HEALTH LAW PROGRAM
200 N. Greensboro Street, Suite D-13
Carrboro, NC 27510
Telephone: (919) 968-6308
Facsimile: (919) 968-8855
coursolle@healthlaw.org
mckee@healthlaw.org

Attorneys for Plaintiffs

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

/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

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

Attorneys for Defendants