



Date: March 14, 2023
To: Wisconsin Deferred Compensation Board
From: Rob Dwyer, Vice President, Government Markets
Subject: Shaffer/Birchfield Litigation

This memorandum is for informational purposes only.

On October 14, 2022, plaintiffs lawyers filed the complaint against Empower that was discussed at the December 1, 2022 WDC Board meeting. Those lawyers never served that complaint on Empower, which was required to formally begin the lawsuit. Instead they filed an amended complaint on January 9, 2023. On February 15, 2023, Empower filed a motion to dismiss the amended complaint.

There is no further update at this time.

Emily Lockwood will be available at the Board meeting to receive any questions that would be shared with Empower legal for comment.

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