



Date: November 2, 2023
To: Wisconsin Deferred Compensation Board
From: Rob Dwyer, Vice President, Government Markets
Subject: Birchfield Litigation

This memorandum is for informational purposes only.

The court granted Empower's motion to dismiss the case and entered judgment in favor of Empower. The court subsequently struck Plaintiff's attempt to file an amended complaint. The case is closed and Plaintiff will not be filing an appeal.

Empower will not specifically comment on the case, other than to state that it continues to view the matter as meritless.

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

Rob Dwyer
Vice President
Government Markets

8515 E. Orchard Rd.
Greenwood Village, CO 80111
empower.com

303-737-2408 office
303-204-5522 cell
robert.dwyer@empower.com

Securities, when presented, are offered and/or distributed by Empower Financial Services, Inc., Member FINRA/SIPC. EFSI is an affiliate of Empower Retirement, LLC; Empower Funds, Inc.; and registered investment adviser Empower Advisory Group, LLC. This material is for informational purposes only and is not intended to provide investment, legal or tax recommendations or advice.

"EMPOWER" and all associated logos and product names are trademarks of Empower Annuity Insurance Company of America.