



STATE OF WISCONSIN
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 SECRETARY

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Date: August 24, 2018

To: Employee Trust Funds Board
 Teachers Retirement Board
 Wisconsin Retirement Board

From: David H. Nispel, General Counsel
 Dan Hayes, Attorney

Subject: Status of Pending Legal Cases

This memo is for informational purposes only. No Board action is required.

This memorandum is presented quarterly to inform board members about the status of pending or recently concluded legal cases involving the Department of Employee Trust Funds (ETF) and/or the retirement boards. In order to maintain Wisconsin Retirement System (WRS) member confidentiality, the names of the parties and case numbers are not identified in this memorandum.

The purpose of the memorandum is to inform Board members of litigation in which the Boards and/or ETF are parties, not to provide legal advice concerning the cases listed. If there are any questions about a particular case, we will provide you with the name of the attorney handling it.

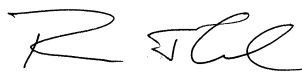
As of August 24, 2018, there is one case that involves the retirement boards or ETF.

Case No. 1:

Issue – Uniform Benefits offered through the State of Wisconsin Group Health Benefit Program contains an exclusion for “Procedures, services and supplies related to surgery and sex hormones associated with gender reassignment.” The issue in this litigation is whether that exclusion violates Title VII of the Civil Rights Act of 1964, the Equal Protection Clause of the 14th Amendment of the U.S. Constitution and the Patient Protection and Affordable Care Act.

Summary – ETF, the GIB and ETF Secretary Conlin, among others, are named defendants in a complaint filed in the United States District Court for the Western District of Wisconsin. The plaintiffs are two Wisconsin Retirement System members who

Reviewed and approved by Robert J. Conlin, Secretary



Electronically Signed 9/4/18

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are represented by the American Civil Liberties Union and the Hawks Quindel law firm, located in Madison.

Status – The complaint was filed on April 7, 2017. On June 22, 2017, the state moved to dismiss various defendants from the lawsuit, and the court ordered that several defendants be dismissed. Summary judgment motions have been filed by the plaintiffs and defendants and are pending with the court. Plaintiffs' counsel conducted depositions throughout the months of April and May 2018, and the defendants' counsel is scheduling depositions in August and September. A trial is scheduled in October 2018.

Attorney – DOJ attorneys.

Staff will be available at the Board meeting to answer questions.