

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

CODY FLACK,  
SARA ANN MAKENZIE,  
MARIE KELLY, and  
COURTNEY SHERWIN,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES and  
LINDA SEEMEYER, in her official capacity  
as Secretary of the Wisconsin Department  
of Health Services,

Defendants.

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

**DECLARATION OF ABIGAIL K. COURSOLE**

I, Abigail K. Coursolle, declare as follows:

1. I am a senior attorney at the National Health Law Program (“NHeLP”). NHeLP is a non-profit law firm that provides consultation and co-counseling assistance to legal services, disability rights, and other attorneys nationwide on a range of health issues affecting the poor. NHeLP advocates, educates, and litigates at the federal and state levels, working to ensure that low-income people and underserved communities can obtain the quality care to which they are legally entitled and holding state and federal Medicaid agencies accountable for their programs. NHeLP brings significant expertise in federal Medicaid law and has previously litigated numerous complex cases and class action suits involving Medicaid Act and federal anti-discrimination law. NHeLP commonly co-counsels cases with law firms and non-profit organizations and has experience in efficiently providing its expertise to the case.

2. My legal practice at NHeLP focuses on issues related to the Medicaid program, including access to coverage and services.

3. I am co-counsel with the firms Relman, Dane & Colfax, PLLC and McNally Peterson, S.C. in the above-captioned case. I have been co-counsel in this case since the filing of the original complaint. This declaration supports the plaintiffs' motion for class certification.

4. I received my J.D. from the University of California, Los Angeles, in 2009. I am admitted to the Bar in California.

5. Prior to joining NHeLP, I was as an Equal Justice Works Justice Fellow at the Western Center on Law and Poverty, where I worked on enforcing California's safety net law that requires counties in the state to provide basic medical services and cash assistance to their low-income residents.

6. Since joining NHeLP in July of 2011, I have participated in several complex track and/or class action cases in the federal district and circuit courts of appeals. The vast majority of these cases concern publicly funded health insurance programs, particularly Medicaid. Recent cases where I have served in a leading role include: *Oster v. Lightbourne*, No. C 09-4668 CW, 2012 WL 685808, at \*6 (N.D. Cal. Mar. 2, 2012), *order corrected*, No. C 09-4668 CW, 2012 WL 1595102 (N.D. Cal. May 4, 2012) (certifying class in case challenging cuts to Medicaid personal care services in California), *J.E.M. et al. v. Corsi*, No. 16-cv-04273-SRB (W.D. Mo. Jul. 21, 2017) (challenging Missouri Medicaid policy that limited access to hepatitis C treatment), *St. Louis Effort for AIDS v. Huff*, 782 F.3d 1016 (8th Cir. 2015) (challenging Missouri "navigator" law as preempted by the Affordable Care Act).

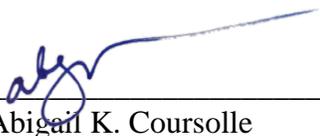
7. I have also served as counsel for amici curiae in several cases involving Medicaid, public benefits, and civil rights, including *U.S. v. California*, No. 2:18-cv-00490-JAM-KJN

(E.D. Cal. May 7, 2018) (supporting California's opposition to preliminary injunction in case challenging California laws aimed at protecting immigrants); *California v. Trump*, 267 F. Supp. 3d 1119 (N.D. Cal. 2017) (supporting California's request for preliminary injunction to prevent the federal government from stopping funding to plans serving low-income people in Health Marketplaces); *Marquez v. Dep't Health Care Servs.*, 240 Cal.App.4th 87 (2015) (supporting petition by low-income consumers to stop Medicaid program from charging cost-sharing for certain services). Recently, I served as an expert witness on Medicaid prescription drug coverage in *Lichtenberger v. Douglas*, No. CPF-13-513 157 (Cal. Sup. Ct. Apr. 10, 2017). In addition, I have written numerous publications on Medicaid and Civil Rights law.

8. NHeLP has committed to assuring the resources needed to represent the class and will continue to work with other class counsel to competently investigate claims and issues as they arise in this case. Including the two attorneys appearing as counsel in this case, NHeLP employs 25 practicing attorneys who bring a wealth of experience in Medicaid law and federal non-discrimination laws, including Section 1557 of the Affordable Care Act. NHeLP attorneys have not only engaged in significant litigation in these areas, but have also published hundreds of articles and issue briefs analyzing and explaining these areas of law.

I declare, pursuant to 28 U.S.C. 1746 and under the penalty of perjury, that the foregoing statements in this affidavit are true and correct.

Executed this 18th day of October, 2018.

  
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Abigail K. Coursole