

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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

Plaintiffs,

v.

Case No. 18-CV-0309

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

Defendants.

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**DEFENDANTS' RESPONSE TO PLAINTIFFS'  
MOTION FOR CLASS ACTION**

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Defendants Wisconsin Department of Health Services and Linda Seemeyer, in her official capacity as Secretary of the Wisconsin Department of Health Services, hereby respond to Plaintiffs' Motion for Class Certification (Dkt. 89) as follows.

Without waiving any defenses, issues, or arguments related to the pending Plaintiffs' Motion to Modify Preliminary Injunction (Dkt. 107) or the merits of this civil action, Defendants do not oppose Plaintiffs' Motion for Class Certification (Dkt. 89).

Defendants understand Plaintiffs are seeking declaratory and injunctive relief as to the Named Plaintiffs and the Proposed Class, and compensatory damages only as to the Named Plaintiffs. (Dkt. 90:24–25; Dkt. 85:41–42 ¶¶ C, D.) Defendants reiterate their position that, apart from Plaintiffs’ request for certification of the Proposed Class, Plaintiffs are not entitled to the declaratory, injunctive, and legal relief requested. (Dkt. 88:23.)

Dated this 8th day of November, 2018.

Respectfully submitted,

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