

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

KARI SUNDSTROM, ANDREA FIELDS,
LINDSEY BLACKWELL, MATTHEW
DAVISON, and VANKEMAH MOATON,

Plaintiffs,

v.

Case No. 06-C-0112

MATTHEW J. FRANK, et al.,

Defendants.

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants Matthew J. Frank, James Greer, Judy P. Smith, Thomas Edwards, Robert Humphreys, and Susan Nygren by their attorneys, J.B. Van Hollen, Attorney General, and Jody J. Schmelzer, Assistant Attorney General, respectfully move the court for entry of an order of summary judgment dismissing the following claims brought forth by the plaintiffs in this action: (1) Plaintiff Moaton's Eighth Amendment as-applied challenge to Wis. Stat. § 302.386(5m); (2) plaintiffs' Eighth Amendment facial challenge to Wis. Stat. § 302.386(5m); (3) all claims brought by plaintiffs Sundstrom and Blackwell; (4) all claims brought against defendants Humphreys and Nygren; (5) the plaintiffs Fourteenth Amendment equal protection claim. This motion is brought pursuant to Rule 56, Fed. R. Civ. P., and Civil L.R. 56.2, on the grounds that there is no genuine issue of material fact as to these claims and the defendants are entitled to judgment as a matter of law.

The legal grounds upon which defendants rely in support of their claim to entitlement to summary judgment are set forth in their brief in support of motion for partial summary judgment, filed this date, and incorporated as though fully set forth herein.

Dated at Madison, Wisconsin, this 31st day of July, 2007.

Respectfully submitted,

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