

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHRISTOPHER ROLLER,

Plaintiff,

v.

Case No. 05-CV-1297 MJD/AJB

GE MEDICAL SYSTEMS INFORMATION
TECHNOLOGIES, INC.,

Defendant.

**AFFIDAVIT OF JUDITH WILLIAMS-KILLACKEY IN SUPPORT OF GEMS IT'S
MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO STRIKE PLAINTIFF'S
SURREPLY OR, IN THE ALTERNATIVE, FOR LEAVE TO FILE A SURRESPONSE**

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

JUDITH WILLIAMS-KILLACKEY, being first duly sworn on oath, deposes
and states as follows:

1. I am one of the attorneys at Quarles & Brady LLP representing the Defendant in
the above-referenced matter.

2. The Court's briefing schedule for GEMS IT's motion to dismiss states that
Plaintiff's Opposition to Defendant's motion is to be filed by noon on October 27, 2005 and
Defendant's reply memorandum of law is to be filed by noon on November 4, 2005.

3. On July 18, 2005, Plaintiff filed his response to GEMS IT's motion to dismiss.

4. On August 26, 2005, GEMS IT filed its reply brief.

5. On September 24, 2005, Plaintiff filed a surreply. Prior to filing this surreply, Plaintiff did not seek leave from the Court to file it. In this surreply, Plaintiff raises new legal arguments – in particular that his claim pursuant to the SDHRA is saved by Minn. Stat. § 541.31(2).

6. Attached as Exhibit A is a true and correct copy of Apodaca v. Mesa County, Civ. No. 04-1379 (N.M. June 1, 2005).

7. Attached as Exhibit B is a true and correct copy of Love v. Smith, 2005 WL 1163143 (D.Md. May 17, 2005).

8. Attached as Exhibit C is a true and correct copy of Johnson v. PS Illinois Trust, 2005 WL 2035589 (N.D. Ill. Aug. 17, 2005).

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

s/Judith A. Williams-Killackey