



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

March 22, 2019

To:

Tamara Packard
Lester A. Pines
Aaron Dumas
Beauregard William Patterson
Pines Bach LLP
122 W. Washington Ave., Ste. 900
Madison, WI 53703-2718

Deana K. El-Mallawany
Jessica Marsde
Protect Democracy
2020 Pennsylvania Ave. N.W., #163
Washington, DC 20006-1811

Carolyn Forstein
Wendy Liu
Lawrence S. Robbins
Robbins Russell
2000 K. Street N.W., 4th Fl.
Washington, DC 20006

Jeffrey A. Mandell
Kurt Simatic
Stafford Rosenbaum LLP
P.O. Box 1784
Madison, WI 53701-1784

Misha Tseytlin
Troutman Sanders LLP
1 N. Wacker Dr., Ste. 2905
Chicago, IL 60606-2882

Eric A. Baker
Barry J. Blonien
Boardman & Clark LLP
P.O. Box 927
Madison, WI 53701-0927

Patrick O. Patterson
Law Office of Patrick O. Patterson, S.C.
7481 N. Beach Dr.
Milwaukee, WI 53217-3663

Colin Thomas Roth
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

You are hereby notified that the Court has entered the following order:

2019AP559-LV

The League of Women Voters v. Tony Evers

Before Stark, P.J.

The Wisconsin Legislature has filed a petition for leave to appeal and an emergency motion to stay a temporary injunction issued by the Dane County Circuit Court. The injunction

prohibits Governor Tony Evers and the Wisconsin State Legislature from enforcing any provision of 2017 Wis. Act 368, 2017 Wis. Act 369, and Wis. Act 370, and from enforcing the confirmation of 82 nominees who were appointed to the various State authorities, boards, councils, and commission that occurred during an the extraordinary session held in December of 2018. The circuit court held that the session was held in violation of the Wisconsin Constitution and WIS. STAT. § 13.02 (2017-18).¹ The Legislature has designated District III of this court to hear the appeal.

The plaintiffs in the underlying suit, The League of Women Voters of Wisconsin, Disability Rights of Wisconsin, Inc., Black Leaders Organizing for Communities, Guillermo Aceves, Michael Cain, John Greene and Michael Doyle, object to both the stay request and the venue designation, and ask to be heard on each issue. Governor Tony Evers, the defendant in the underlying suit, likewise asks to be heard before this court decides each issue. In addition, the Wisconsin Department of Justice asks to participate in the appeal pursuant to WIS. STAT. § 806.04(11), which authorizes the attorney general to participate in appellate proceedings when a statute is alleged to be unconstitutional.

We first note that it appears the Legislature can appeal the injunction as of right pursuant to WIS. STAT. § 813.025(3). Therefore, it appears that the proper procedure would be for the Legislature to file a notice of appeal in the circuit court, rather than to seek leave to appeal from this court. To the extent any such permission is needed, we grant it.

¹ All references in this order to the Wisconsin Statutes are to the 2017-18 version.

Next, we note that docketing an appeal is a function assigned by statute to the clerk of this court. The clerk has docketed this appeal in District III, according to the Legislature's designation. Any objections to the venue will be handled separately from the merits of the stay. The designated district will continue to handle procedural matters until the venue question is resolved.

We deem the setting of a briefing schedule to be a procedural matter. Because the stay at issue in this case has implications for the upcoming nonpartisan spring election, we are persuaded that a highly expedited briefing schedule is appropriate. We therefore direct any party who wishes to be heard on the merits of the stay to submit their responses to this court by 4:00 p.m. on Monday, March 25, 2019.

Therefore,

IT IS ORDERED that we grant the motion of the Wisconsin Department of Justice to participate in these proceedings.

IT IS FURTHER ORDERED that any of the above parties who wish to be heard on the merits of the stay must submit their responses to this court by 4:00 p.m. on Monday, March 25, 2019.

Sheila T. Reiff
Clerk of Court of Appeals