

STATE OF WISCONSIN      CIRCUIT COURT      DANE COUNTY  
BRANCH II

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ROBERT DALLAS NEWTON, JR., et al.,

Plaintiffs,

v.

Case No. 18-CV-519

SCOTT WALKER,  
in his official capacity as  
Governor of Wisconsin,

Defendant.

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### NOTICE OF APPEAL

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**PLEASE TAKE NOTICE** that the defendant, Governor Scott Walker in his official capacity, appeals to the Court of Appeals, District II, from a final order in *Newton v. Walker*, No. 18-CV-519 (Wis. Cir. Ct. Dane Cty.), dated March 22, 2018, the Honorable Josann M. Reynolds, presiding, wherein the court issued a writ of mandamus; and also a final order dated March 27, 2018, denying a motion to modify the March 22 order.

This is not an appeal under Wis. Stat. § 752.31(2). This is not an appeal to be given preference by statute.

Given that Plaintiffs designated Dane County as their venue for their mandamus action under Wis. Stat. § 801.50(3)(a), Pls.' Mandamus Pet. 6 (quoting Section 801.50(3)(a)), appellate venue for the appeal is established by Wis. Stat. § 752.21(2). Section 752.21(2) provides that "[a] judgment or order appealed from an action venued in a county designated by the plaintiff to the action as provided under s. 801.50(3)(a) shall be heard in a court of

appeals district selected by the appellant.” Wis. Stat. 752.21(2). It further provides that “the court of appeals district” selected by the appellant “may not be the court of appeals district that contains the court from which the judgment or order is appealed.” *Id.* Here, District IV “contains the court from which the judgment or order is appealed,” the Circuit Court for Dane County. *See* Wis. Stat. § 752.11(1)(d). Accordingly, Section 752.21(2) authorizes the Governor to “select” District II to hear his appeal.

Dated this 28th day of March, 2018.

Respectfully submitted,

BRAD D. SCHIMEL  
Wisconsin Attorney General

Electronically signed by:

s/ Anthony D. Russomanno  
ANTHONY D. RUSSOMANNO  
Assistant Attorney General  
State Bar #1076050

Attorneys for Defendant Scott Walker  
in his official capacity as Governor of the  
State of Wisconsin

Wisconsin Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707-7857  
(608) 267-2238  
(608) 267-2223 (Fax)  
russomannoad@doj.state.wi.us

## CERTIFICATE OF SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed the foregoing *Notice of Appeal* with the clerk of court using the Wisconsin Circuit Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 28th day of March, 2018.

Electronically signed by:

s/ Anthony D. Russomanno  
ANTHONY D. RUSSOMANNO  
Assistant Attorney General  
State Bar #1076050