

IN THE SUPREME COURT OF WISCONSIN

Case No. 20-AP-765-OA

WISCONSIN LEGISLATURE,

Petitioner,

v.

SECRETARY-DESIGNEE ANDREA PALM, JULIE WILLEMS
VAN DIJK AND NICOLE SAFAR, IN THEIR OFFICIAL
CAPACITIES AS EXECUTIVES OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES,

Respondents.

**MOTION OF AMICI CURIAE, INDEPENDENT BUSINESS
ASSOCIATION OF WISCONSIN, DOUBLE DECKER
AUTOMOTIVE, INC., AND SHEAR XCELLENCE, LLC, FOR
LEAVE TO FILE A NON-PARTY BRIEF**

Independent Business Association of Wisconsin, Double Decker Automotive, Inc., and Shear Xcellence, LLC, (together “amici curiae”) by their undersigned counsel, Wisconsin Institute for Law & Liberty, Inc., move this Court under Wis. Stat. 817.19(7), for leave to file a non-party brief.

In support of this motion, amici curiae state as follows:

1. The parties in this case are two branches of state government. The “Safer at Home” order being challenged in this

action is having impacts on individuals and businesses across Wisconsin's economy.

2. This motion is filed by a member-based association of small businesses (Independent Business Association of Wisconsin, or "IBAW"), as well as two independently owned and operated small businesses in Wisconsin (Double Decker Automotive, Inc. and Shear Xcellence, LLC).

3. *Amici* seek leave of this Court to file a non-party brief in support of the Emergency Petition for an Original Action and in Support of the Emergency Motion for a Temporary Injunction.

4. IBAW, as a member-based organization, has members who are directly impacted by the orders at issue in this case. IBAW has significant experience with how government mandates impact business operations, and wishes to be heard on behalf of its members in this case.

5. Double Decker Automotive, Inc., is an "essential" business that is still operating and Shear Xcellence, LLC, is a "non-essential" business that has been shut down by the state.

6. *Amici*, as businesses who are directly by the orders at issue in this case, wish to be heard.

7. Specifically, *amici* wish to highlight the separation of powers in the Wisconsin Constitution, and how enforcing the separation of powers under the non-delegation doctrine, as Petitioners are asking, would help protect the liberty interests of Wisconsinites impacted by these orders – such as *amici*.

8. A copy of the non-party brief is filed with this motion.

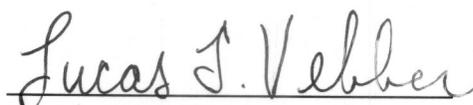
WHEREFORE, Independent Business Association of Wisconsin, Double Decker Automotive, Inc., and Shear Xcellence, LLC, request that this Court grant leave to file a non-party brief in this case in support of the Emergency Petition for an Original Action and the Emergency Motion for a Temporary Injunction.

[Signature on next page]

Dated: April 28, 2020.

Respectfully submitted,

Wisconsin Institute for Law & Liberty, Inc.



Richard M. Esenberg (WI Bar No. 1005622)

Luke Berg (WI Bar No. 1095644)

Anthony LoCoco (WI Bar No. 1101773)

Lucas Vebber (WI Bar No. 1067543)

Wisconsin Institute for Law and Liberty, Inc.

330 E. Kilbourn Ave., Suite 725

Milwaukee, WI 53202

(414) 727-9455

(414) 727-6385 (Fax)

Rick@will-law.org

Counsel for Amici Curiae