



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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May 18, 2020

Ms. Sheila T. Reiff  
Clerk, Wisconsin Supreme Court  
Post Office Box 1688  
Madison, WI 53701-1688

Re: *Jere Fabick v. Andrea Palm, et al.*  
No. 2020AP828-OA

Dear Ms. Reiff:

On May 15, 2020, the petitioners filed a supplemental brief titled "Notice of Recent Events" and appendix, in which the petitioners make arguments about mootness. However, this Court has not granted leave for additional briefing and so should strike or otherwise disregard these submissions. The petitioners point to no authority or procedure permitting the filing of such a supplemental brief.

This Court is of course aware of its recent decision in *Legislature v. Palm*, 2020 WI 42, in which it declared invalid all components of Emergency Order 28 relevant to the petitioners' challenges here. As a result of this Court's decision in *Legislature v. Palm*, the petitioners' motion for an injunction and petition for an original action challenge an order that no longer exists. If this Court does not *sua sponte* deny the petitioners' motion for an injunction and decline to take jurisdiction of the petition for an original action because the claims are moot, then the State Respondents respectfully request that the Court issue a schedule for supplemental briefing on the issue of mootness.

Sincerely,

Hannah S. Jurss  
Assistant Attorney General

cc: Matthew Fernholz  
Samuel C. Hall, Jr.