

No. 2021AP802

In the Supreme Court of Wisconsin

ANDREW WAITY, JUDY FERWERDA,
MICHAEL JONES, *and* SARA BRINGMAN,
PLAINTIFFS-RESPONDENTS,

v.

DEVIN LEMAHIEU, *in his official capacity*, *and* ROBIN
VOS, *in his official capacity*,
DEFENDANTS-APPELLANTS-PETITIONERS.

On Appeal From The Dane County Circuit Court,
The Honorable Stephen E. Ehlke, Presiding
Case No. 2021CV000589

**DEFENDANTS' MOTION TO FILE REPLY
MEMORANDUM IN SUPPORT OF EXPEDITED
PETITION FOR BYPASS AND EXPEDITED
MOTION FOR STAY PENDING APPEAL**

Defendants Devin LeMahieu and Robin Vos, in their official capacities (“the Legislature”), respectfully move this Court to file the attached proposed Reply Memorandum in support of their Expedited Petition For Bypass and Expedited Motion For Stay Pending Appeal. The Legislature’s proposed Reply Memorandum is short, so as not to delay this Court’s disposition of the Legislature’s Expedited Petition and Expedited Motion by **Friday**,

July 9, if at all possible. In further support of this Motion, the Legislature states as follows:

1. On June 30, 2021, the Legislature filed with this Court its Expedited Petition For Bypass And Expedited Motion For Stay Pending Appeal, along with a Combined Memorandum In Support, requesting that this Court stay the Circuit Court's summary-judgment Order by Friday, July 9.

2. On July 7, 2021, and pursuant to this Court's Order, Plaintiffs filed their Brief In Opposition To Defendants Expedited Petition For Bypass And Expedited Motion For Stay Pending Appeal. See Dkt. Entries 07-01-2021 & 07-07-2021, No.2021AP802 (Wis.).

3. The Legislature now moves to file a short, proposed Reply Memorandum, responding only to three points addressed in Plaintiffs' Opposition. Specifically, the Legislature's proposed Reply Memorandum addresses: (1) Plaintiffs' claim that this case involves no issues of statewide importance or of constitutional scope; (2) Plaintiffs' allegations of so-called "forum shopping"; and

(3) Plaintiffs' suggestion that this Court should wait the many additional months (or more) that it will take the Court of Appeals to decide this case on the merits before this Court even considers whether to issue a stay.

4. The Legislature's short Reply Memorandum will aid the Court's consideration of its Expedited Petition and Expedited Motion For Stay, including by briefly refuting multiple arguments that Plaintiffs made for the first time in their opposition brief.

5. The Legislature has kept its Reply Memorandum short, comprising only six double-spaced pages, so as not to delay this Court's disposition of the Legislature's Expedited Petition and Expedited Motion For Stay by **Friday, July 9**, if at all possible.

Dated: July 8, 2021.



MISHA TSEYTLIN

Counsel of Record

State Bar No. 1102199

KEVIN M. LEROY

State Bar No. 1105053

TROUTMAN PEPPER HAMILTON

SANDERS LLP

227 W. Monroe, Suite 3900

Chicago, Illinois 60606

(608) 999-1240 (MT)

(312) 759-1938 (KL)

(312) 759-1939 (fax)

misha.tseytlin@troutman.com

kevin.leroy@troutman.com

*Attorneys for Defendants Robin Vos
and Devin LeMahieu, in their
official capacities*