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Supreme Court of Wisconsin

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October 14, 2021

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

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

On September 22, 2021, this court granted the petition for leave to commence an original action filed by petitioners Billie Johnson, et al., and invited intervention motions to be filed no later than October 6, 2021.

On September 24, 2021, the court received a notice of motion and unopposed motion to intervene as petitioners filed by Black Leaders Organizing for Communities, et al. (plaintiffs in Black Leaders Organizing for Communities v. Spindell, No. 21-CV-534 (W.D. Wis. Aug. 23, 2021), consolidated with Case No. 21-CV-512) together with a supporting brief.

On October 6, 2021, the court received additional intervention motions and supporting documents from proposed-intervenor-petitioners Congressmen Glenn Grothman, Mike Gallagher, Brian Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”); proposed-intervenor-petitioners Gary Krenz, Sarah J. Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and Somesh Jha (a group of Wisconsin voters who identify themselves as the “Citizen Mathematicians and

Scientists”); proposed-intervenor-petitioners Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa, Geraldine Schertz, and Kathleen Qualheim (plaintiffs in Hunter v. Bostelmann, No. 21-CV-512 (W.D. Wis. Aug. 13, 2021)); proposed-intervenor-respondent the Wisconsin Legislature; proposed-intervenor-respondent Governor Tony Evers, in his official capacity; and proposed-intervenor-respondent Janet Bewley, Senate Democratic Minority Leader, on behalf of the Senate Democratic Caucus.

On October 13, 2021, the court received responses pertaining to the intervention motions from the petitioners Billie Johnson, et al.; proposed-intervenor-petitioners Congressmen; proposed-intervenor-petitioners Citizen Mathematicians and Scientists; proposed-intervenor-petitioners Lisa Hunter, et al.; and proposed-intervenor-respondent the Wisconsin Legislature.¹

Wisconsin courts view intervention favorably as a tool for "disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." See Helgeland v. Wis. Municipalities, 2008 WI 9, ¶38, 307 Wis. 2d 1, 9, ¶44, 745 N.W.2d 1 (quoting State ex rel. Bilder v. Delavan Twp., 112 Wis. 2d 539, 548-49, 334 N.W.2d 252 (1983)). We have evaluated each intervention motion and determined that all are timely; each movant claims an interest relating to the subject of this redistricting action; each is so situated that the disposition of the action may as a practical matter impair or impede the movant's ability to protect that interest; and that each movant has demonstrated that its interest is not adequately represented by existing parties. See Wis. Stat. § 803.09. Therefore,

IT IS ORDERED that each of the pending motions to intervene is granted;

The intervenor-petitioners have each submitted with their motions to intervene a proposed complaint for declaratory and injunctive relief/petition for original action. The court wishes to have one controlling petition, rather than multiple petitions in this action. Therefore, no later than 12:00 noon on October 21, 2021, the petitioners and the intervenor-petitioners shall file a single omnibus amended petition that, in numbered paragraph form, restates the previously asserted allegations and claims advanced by petitioners Billie Johnson, et al., and states the allegations and claims of each intervening petitioner as provided in its proposed complaints/petition, with those claims and allegations consolidated to the extent possible. No additional memorandum of law shall accompany the omnibus amended petition. This omnibus amended petition shall supersede the previously filed petition in this action;

IT IS FURTHER ORDERED that no later than 12:00 noon on October 28, 2021, the respondents and intervenor-respondents shall each file an answer to the omnibus amended petition;

¹ The court also received letter briefs responding to the question of the timing of a new redistricting plan from the petitioners Billie Johnson, et al.; respondents Wisconsin Elections Commission, et al.; proposed-intervenor-petitioners Congressmen; proposed-intervenor-petitioners Black Leaders Organizing for Communities, et al.; proposed-intervenor-petitioners Citizen Mathematicians and Scientists; proposed-intervenor-petitioners Lisa Hunter, et al.; and proposed-intervenor-respondent the Wisconsin Legislature.

IT IS FURTHER ORDERED that no later than 12:00 noon on November 4, 2021, the petitioners, intervenor-petitioners, respondents, and intervenor-respondents shall prepare and submit a joint stipulation of facts and law; and shall identify and list disputed facts, if any, and suggest a procedure for resolving them; and

IT IS FURTHER ORDERED that all filings in this matter shall be filed as an attachment in pdf format to an email addressed to clerk@wicourts.gov. See, Wis. Stat. §§ 809.14, 809.70, 809.80, and 809.81. A paper original and 10 copies of each filed document must be received by the clerk of this court by 12:00 p.m. of the business day following submission by email, with the document bearing the following notation on the top of the first page: “This document was previously filed via email;” and

IT IS FURTHER ORDERED that requests for additional briefing or extensions will be viewed with disfavor.

Sheila T. Reiff
Clerk of Supreme Court

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