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Supreme Court of Wisconsin

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November 4, 2020

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

No. 2020AP1742

Tavern League of Wisconsin, Inc. v. Palm L.C. #2020AP1742

The court having considered the petition to bypass the court of appeals submitted on behalf of defendants-respondents, Andrea Palm, et al., and the response filed by intervenors-plaintiffs-appellants, The Mix Up, Inc., et al.;

IT IS ORDERED the petition to bypass is denied, without costs.

REBECCA FRANK DALLET, J. (*dissenting*). The parties seek clarification of our recent decision in Wisconsin Legislature v. Palm, 2020 WI 42, 391 Wis. 2d 497, 942 N.W.2d 900. Secretary-designee Palm's petition fulfills all the necessary criteria for granting a bypass. It is not a close call. We have a responsibility to provide certainty in the law, particularly in the middle of a destabilizing pandemic. How Secretary-designee Palm can address spiking COVID-19 infections is an issue of great public importance, and one likely to recur in the coming months.

State officials need legal clarity to chart a course forward. There is no reason why this court should wait for the court of appeals to interpret our decision in Palm. Who better to offer that needed clarity than this court? Given the exigency of the current public health crisis, any further delay is ill-advised.

I respectfully dissent.

I am authorized to state that Justice ANN WALSH BRADLEY and Justice JILL J. KAROFKY join this dissent.

Sheila T. Reiff
Clerk of Supreme Court