

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ONE WISCONSIN INSTITUTE, INC.,
et al.,

Plaintiffs,

v.

Case No. 15-CV-324

ANN S. JACOBS, Chair, Wisconsin
Elections Commission, et al.,

Defendants.

ALICE WEDDLE, et al.,

Plaintiffs,

v.

Case No. 20-CV-768

TONY EVERS, et al.,

Defendants.

JOINT SCHEDULING MOTION

All parties jointly move under Fed. R. Civ. P. 16(b)(4) for an order removing the trial date from the Court's calendar and setting this matter for a status conference during the week of November 28, 2022, or as soon thereafter as is convenient for the Court.

This case is on remand to examine how the ID Petition Process (IDPP) is working in practice. *Luft v. Evers*, 963 F.3d 665, 680 (7th Cir. 2020)

(“appropriate treatment of the petition process depends on how it works.”). The Seventh Circuit acknowledged that the state Defendants have displayed flexibility and worked to solve problems in the process. *Id.* It noted that, while such flexibility has made the process “a moving target,” it has been appropriate for the Defendants “to see what problems are easy to solve and which are tougher.” *Id.* It stated that “the best approach is to let [the Defendants] try and see what happens.” *Id.*

Since remand, the parties have conducted discovery directed at examining how the IDPP is functioning. The parties agree that the factual issues presented on remand are not ripe for trial at this time. Moreover, an important part of the IDPP is “how it works” before and during a major election, like the November 8, 2022, general election. *Id.* Plaintiffs submit that it is important to “see what happens” during a general election. *Id.* All parties contend that the status of the task on remand and the upcoming general election constitute good cause to reschedule this case. Fed. R. Civ. P. 16(b)(4).

The parties therefore jointly request that the Court remove the May 16, 2022, trial from the calendar and set this matter for a status conference after the November 2022 election, during the week of November 28, 2022, or as soon thereafter as is convenient for the Court. The parties believe that they will be able to update the Court at that time with their respective positions on what further action is required to conclude this consolidated litigation.

Dated this 27th day of April, 2022.

Respectfully submitted,

ERIC J. WILSON
Deputy Attorney General of Wisconsin

Electronically signed by:

s/S. Michael Murphy
S. MICHAEL MURPHY
Assistant Attorney General
State Bar #1078149

GABE JOHNSON-KARP
Assistant Attorney General
State Bar #1084731

JODY J. SCHMELZER
Assistant Attorney General
State Bar #1027796

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-5457 (Murphy)
(608) 267-8904 (Johnson-Karp)
(608) 266-3094 (Schmelzer)
(608) 267-2223 (Fax)

Bobbie J. Wilson
Perkins Coie LLP
505 Howard Street, Suite 1000
San Francisco, CA 94111-4131
Telephone: (415) 344-7000
Facsimile: (415) 344-7050
BWilson@perkinscoie.com

/s/ Charles G. Curtis, Jr.
Charles G. Curtis, Jr.
Will M. Conley
Juan Fonseca Angel
Perkins Coie LLP
33 East Main Street, Suite 201
Madison, WI 53703
Telephone: (608) 663-5411
Facsimile: (608) 663-7499
CCurtis@perkinscoie.com
wconley@perkinscoie.com
jfonsecaangel@perkinscoie.com

*Attorneys for One Wisconsin
Plaintiffs*

/s/ Karyn L. Rotker
Karyn L. Rotker
ACLU of Wisconsin Foundation, Inc.
207 East Buffalo Street, Suite 325
Milwaukee, WI 53202
Phone: (414)-272-4032 x12
Fax: (414)-272-0182
krotker@aclu-wi.org

Davin M. Rosborough
T. Alora Thomas
Samantha Osaki
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Phone: (212) 549-2500
Fax: (212)-549-2648
drosborough@aclu.org
athomas@aclu.org
sosaki@aclu.org

Neil A. Steiner
Dechert LLP
1095 Avenue of the Americas
New York, NY 10036-6797
Phone: (212)-698-3500
Fax: (212)-698-3599
neil.steiner@dechert.com

Angela M. Liu
Dechert LLP
35 West Wacker Drive, Suite 3400
Chicago, IL 60601
Phone: (312)-646-5800
Fax: (312)-646-5858
angela.liu@dechert.com

Anna Q. Do
Dechert LLP
US Bank Tower
633 West 5th Street, Suite 4900
Los Angeles, CA 90071
Phone: (213)-808-5760
Fax: (213)-808-5760
anna.do@dechert.com

Tristia Bauman
Carlton Martin
National Law Center for
Homelessness & Poverty
2000 M Street NW, Suite 210
Washington, D.C. 20036
Phone : (202)638-2535
cmartin@nlchp.org

Attorneys for Weddle Plaintiffs

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