

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

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LISA HUNTER, JACOB ZABEL,  
JENNIFER OH, JOHN PERSA, GERALDINE  
SCHERTZ, and KATHLEEN QUALHEIM,

Plaintiffs,

and

BILLIE JOHNSON, ERIC O'KEEFE, ED PERKINS,  
and RONALD ZAHN,

Intervenor-Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M. GLANCEY,  
ANN S. JACOBS, DEAN KNUDSON, ROBERT  
F. SPINDELL, JR., and MARK L. THOMSEN, in  
their official capacities as members of the  
Wisconsin Elections Commission,

Defendants,

and

21-cv-512-jdp-ajs-eec

WISCONSIN LEGISLATURE,

Intervenor-Defendant,

and

CONGRESSMEN GLENN GROTHMAN,  
MIKE GALLAGHER, BRYAN STEIL, TOM TIFFANY,  
and SCOTT FITZGERALD,

Intervenor-Defendants,

and

GOVERNOR TONY EVERS,

Intervenor-Defendant.

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BLACK LEADERS ORGANIZING FOR  
COMMUNITIES, VOCES DE LA FRONTERA,  
the LEAGUE OF WOMEN VOTERS OF  
WISCONSIN, CINDY FALLONA, LAUREN  
STEPHENSON, and REBECCA ALWIN,

Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M. GLANCEY,  
ANN S. JACOBS, DEAN KNUDSON, ROBERT  
F. SPINDELL, JR., and MARK L. THOMSEN, in  
their official capacities as members of the  
Wisconsin Elections Commission, and  
MEAGAN WOLFE, in her official capacity as the  
administrator of the Wisconsin Elections Commission,

21-cv-534-jdp-ajs-ec

Defendants.

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**JOHNSON INTERVENOR-PLAINTIFFS' POSITION ON DISMISSAL**

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These consolidated cases challenge those Wisconsin legislative and congressional districts that were current as of August 2021. As this Court has noted, however, on March 3, 2022, the Wisconsin Supreme Court issued an opinion and order establishing reapportioned maps based on the 2020 census. Review of that decision may only be had in the Supreme Court of the United States. 28 U.S.C. §1257(a); see *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983). These cases should therefore be dismissed for lack of an Article III case or controversy. *Uzuegbunam v. Preczewski*, \_\_\_ U.S. \_\_\_, 141 S. Ct. 792, 797 (2021) (setting forth elements of federal standing).

Dated this 18<sup>th</sup> day of March, 2022.

Respectfully submitted,

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