

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

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

Plaintiffs,

and

21-cv-512-jdp-ajs-ee

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

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.

BLACK LEADERS ORGANIZING FOR
COMMUNITIES, VOCES DE LA FRONTERA, the
LEAGUE OF WOMEN VOTERS OF WISCONSIN,
CINDY FALLONA, LAUREN STEPHENSON,
REBECCA ALWIN, HELEN HARRIS, WOODROW
WILSON CAIN, II, NINA CAIN, TRACIE Y. HORTON,
PASTOR SEAN TATUM, MELODY MCCURTIS,
BARBARA TOLES, and EDWARD WADE, JR.,

21-cv-534-jdp-ajs-ee

Plaintiffs,

v.

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

Defendants.

BLOC PLAINTIFFS' POSITION ON STATUS

On April 1, this Court ordered the parties to update the panel regarding their positions on the status of the federal cases within three business days of action by the Wisconsin Supreme Court on the state legislative maps previously remanded to that court. Dkt. 134.¹ The Wisconsin Supreme Court issued a 147-page decision (including concurring and dissenting opinions) just before 5:00pm on Friday, April 15, *Johnson v. Wis. Elections Comm'n*, 2022 WI 19, __ Wis. 2d __, __ N.W. 2d __, reversing course from its March 3 decision in the same case (selecting the Governor's proposed maps) and instead adopting state legislative maps proposed by the Wisconsin Legislature. In light of this outcome, the parties must assess whether the claims pending before this Court should proceed. Given the lengthy nature of the Wisconsin Supreme Court's opinions and the significant federal statutory and constitutional issues potentially implicated, BLOC Plaintiffs request the Court set a status conference in these combined cases for two weeks from today so that they may adequately assess the viability of their pending and other potential claims before committing to a course of action in these consolidated cases.

More specifically, it is likely that some claims before this Court have been resolved by the

¹ All citations to the docket refer to entries for Case No. 21-cv-512 unless otherwise indicated.

Wisconsin Supreme Court's ruling: the state legislative and congressional districts are, for example, no longer malapportioned. Dismissal of the *entirety* of the combined cases, however, would be premature and inefficient because other claims may persist. As BLOC Plaintiffs stated on March 28, "even if the Wisconsin Supreme Court acts immediately to remedy the malapportionment, these consolidated cases may not be fully resolved. Should the Wisconsin Supreme Court grant the Legislature's request ... to now adopt their rejected maps, this would result in the same type of Voting Rights Act Section 2 violations that form the basis of BLOC Plaintiffs' amended complaint here." Dkt. 130 at 3. Those events have now come to pass, and action by this Court on—at a minimum—the claims under Section 2 of the Voting Rights Act may still be necessary. In the interest of efficiency, BLOC Plaintiffs seek to more fully assess the ongoing nature of these claims before requesting substantive action from this Court.

BLOC Plaintiffs therefore ask for a short continuation of the current stay in these cases, to allow the parties to fully analyze the results of the Wisconsin Supreme Court's Friday evening decision and their remaining claims before this Court. BLOC Plaintiffs further request that this Court set a status conference to hear from the parties two weeks from today's date.

Dated: April 20, 2022.

Respectfully submitted,

By: /s/ Douglas M. Poland
Douglas M. Poland, SBN 1055189
Jeffrey A. Mandell, SBN 1100406
Colin T. Roth, SBN 1103985
Rachel E. Snyder, SBN 1090427
Richard A. Manthe, SBN 1099199
Carly Gerads, SBN 1106808
STAFFORD ROSENBAUM LLP
222 West Washington Avenue, Suite 900
Madison, Wisconsin 53701-1784
dpoland@staffordlaw.com
jmandell@staffordlaw.com
croth@staffordlaw.com
rsnyder@staffordlaw.com
rmanthe@staffordlaw.com

cgerads@staffordlaw.com
608.256.0226

Mel Barnes, SBN 1096012
LAW FORWARD, INC.
P.O. Box 326
Madison, Wisconsin 53703-0326
mbarnes@lawforward.org
608.535.9808

Mark P. Gaber
Simone Leeper
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegalcenter.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, Illinois 60603
aharless@campaignlegalcenter.org
202.736.2200

Attorneys for BLOC Plaintiffs