



OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

October 14, 2021

To:

Richard M. Esenberg
Anthony LoCoco
Lucas Thomas Vebber
Wisconsin Institute for Law & Liberty
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202-3141

Karla Z. Keckhaver
Steven C. Kilpatrick
Thomas C. Bellavia
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Charles G. Curtis
Perkins Coie LLP
33 E. Main St., Ste. 201
Madison, WI 53703-5411

Anthony D. Russomanno
Brian P. Keenan
Assistant Attorneys General
P.O. Box 7857
Madison, WI 53707

*Address list continued on page 3.

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

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

On September 22, 2021, this court granted a petition for leave to commence an original action filed by petitioners Billie Johnson, et al. On October 14, 2021, this court granted motions to intervene filed by Black Leaders Organizing for Communities, et al. (“BLOC”); Congressmen Glenn Grothman, Mike Gallagher, Brian Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”); Gary Krenz, Sarah J. Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and Somesh Jha (“Citizen Mathematicians and Scientists”); Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa, Geraldine Schertz, and Kathleen Qualheim; the Wisconsin Legislature; Governor Tony Evers; and Janet Bewley, Senate Democratic Minority Leader, on behalf of the Senate Democratic Caucus.

If new maps are not enacted into law, we may be called upon to award judicial relief. Anticipating that possibility, we require all parties to brief the four questions below. Therefore,

IT IS ORDERED that the parties (including all intervenors) shall file simultaneous briefs addressing the following questions:

- 1.) Under the relevant state and federal laws, what factors should we consider in evaluating or creating new maps?
- 2.) The petitioners ask us to modify existing maps using a "least-change" approach. Should we do so, and if not, what approach should we use?
- 3.) Is the partisan makeup of districts a valid factor for us to consider in evaluating or creating new maps?
- 4.) As we evaluate or create new maps, what litigation process should we use to determine a constitutionally sufficient map?

IT IS FURTHER ORDERED that each party shall file an initial brief on or before 12:00 noon, October 25, 2021, and each party may file a response brief on or before 12:00 noon, November 1, 2021. The form, length, pagination, appendix, and certification requirements shall be the same as those governing standard appellate briefing in this court for a brief-in chief and a response brief;

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. §§ 809.70, 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 noon 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

Address list continued:

Jeffrey A. Mandell
Richard Manthe
Douglas M. Poland
Rachel E. Snyder
Stafford Rosenbaum LLP
P.O. Box 1784
222 West Washington Ave., Suite 900
Madison, WI 53701-1784

Kevin M. St. John
Bell Giftos St. John LLC
Suite 2200
5325 Wall Street
Madison, WI 53718

Daniel R. Suhr
Attorney at Law
220 Madero Drive
Thiensville, WI 53092

Misha Tseytlin
Kevin M. LeRoy
Troutman Pepper Hamilton Sanders LLP
Suite 3900
227 W. Monroe St.
Chicago, IL 60606

Mel Barnes
Law Forward, Inc.
P.O. Box 326
Madison, WI 53703

Aria C. Branch
Daniel C. Osher
Jacob D. Shelly
Christina A. Ford
William K. Hancock
Elias Law Group LLP
10 G Street, NE, Suite 600
Washington, D.C. 20002

Annabelle E. Harless
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603

Mark P. Gaber
Christopher Lamar
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, D.C. 20005

Adam K. Mortara
Lawfair LLC
125 S. Wacker Drive, Suite 300
Chicago, IL 60606

Michael P. May
Sarah A. Zylstra
Tanner G. Jean-Louis
Boardman & Clark, LLP
P.O. Box 927
Madison, WI 53701-0927

Tamara B. Packard
Pines Bach, LLP
122 West Washington Ave., Ste. 900
Madison, WI 53703

David J. Bradford
Jenner & Block, LLP
353 North Clark St.
Chicago, IL 60654

Jeffrey M. Harris
Taylor A.R. Meehan
James P. McGlone
Consovoy McCarthy, PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209