

FILED
10-21-2022
CIRCUIT COURT
DANE COUNTY, WI
2022CV002446

BY THE COURT:

DATE SIGNED: October 21, 2022

Electronically signed by Juan B. Colas
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
Branch 10

DANE COUNTY

Rise, Inc. et al.,
Plaintiffs

vs.

Case No. 22CV2446

Wisconsin Elections Commission, et al.,
Defendants

vs.

Wisconsin State Legislature,
Intervenor-Defendant

ORDER DENYING MOTION FOR EXPEDITED BRIEFING SCHEDULE

On October 7, 2022 I denied Plaintiffs' motion for a temporary injunction. On October 17 Plaintiffs filed a motion for summary judgment and a motion for an expedited briefing and decision schedule. The proposed schedule would have required defendants to file a brief by October 24 and the court to rule by October 28. This action seeks a declaratory judgment as to the definition of "address" in reference to the witness certification on an absentee ballot envelope. Plaintiffs' motion argues the expedited schedule is needed so a final decision on the request for a declaratory judgment can be made before the November 8 election, to prevent local clerks from misinterpreting and missaplying the term and possibly disenfranchising voters. I heard argument on the motion at a scheduling conference on October 17.

The first step in summary judgment analysis is to examine the pleadings and determine whether issue has been properly joined and whether they present a material factual issue. The original defendants have not yet filed answers or motions to dismiss. This action was filed on September 27, 2022. Assuming defendants

were simultaneously served, they have until Friday, November 11 to file their answers.

Plaintiffs argue that the court has authority to order the expedited schedule based upon the inherent authority of the courts to control their calendar to ensure efficient administration of justice. They do not cite any authority for a circuit court to shorten the statutory time for a party to file an answer or a motion to dismiss.

Because the summary judgment analysis on the ultimate relief sought cannot begin until answers or motions to dismiss have been filed, or the deadline for doing so has passed, I decline to grant the motion for expedited briefing and ruling. A scheduling conference will be set for a date after November 11.

The Motion for Expedited Scheduling is DENIED.

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