

FILED
10-06-2022
CIRCUIT COURT
DANE COUNTY, WI
2022CV002446

BY THE COURT:

DATE SIGNED: October 6, 2022

Electronically signed by Juan B. Colas
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
Branch 10

DANE COUNTY

Rise Inc., et al.,
Plaintiff

vs.

Case No. 22CV2446

Wisconsin Elections Commission, et al.,
Defendant

ORDER REGARDING MOTIONS TO INTERVENE

This matter is scheduled for a hearing on a Motion for a Temporary Injunction on October 7, 2022. On October 3, 2022 the Wisconsin State Legislature filed a Motion to Intervene. On the same date Michael and Eva White filed a Motion to Intervene. On October 5 I ordered the parties to state whether they objected to the motions to intervene and if they did, whether they objected to the motions to intervene being heard at the same time as the Motion for a Temporary Injunction.

By letter filed on October 6, the defendant Wisconsin Elections Commission (WEC) did not object to granting the Legislature permissive intervention under Wis. Stat. §803.09(2), but did object to its intervention as a matter of right under §803.09(1) or (2m). By letter filed October 6, 2022, the Plaintiffs took no position on the Legislature's Motion to Intervene. The defendant Madison City Clerk took no position on the Legislature's Motion to Intervene. Based upon the lack of objections I will permit the Legislature to intervene under §803.09(2), without deciding, because it is unnecessary, whether it may intervene as a matter of right.

In the same letters the WEC objected to the Whites' Motion to Intervene and objected to that motion being heard on October 7. The Plaintiffs did not object to the Whites' Motion to Intervene and the City Clerk took no position. I will not grant the Whites' Motion to Intervene and will schedule a separate hearing on it. The Whites also requested the opportunity to participate in the motion hearing on the Motion for a Temporary

Injunction. At this stage of the proceedings I decline to allow non-parties to participate in the October 7 hearing on the Motion for a Temporary Injunction, taking into account that the Legislature's opposition to the temporary injunction appears to be aligned with the Whites'.

IT IS ORDERED:

1. The Wisconsin State Legislature is permitted to intervene under Wis. Stat. §803.09(2) and their Proposed Answer (R-Doc. 39) is accepted.
2. The Whites' Motion to Intervene will be decided at a hearing to be scheduled.
3. The Whites may participate in the October 7 only to assist in scheduling their Motion to Intervene.

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