

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

SUSAN LIEBERT, et al.,

Plaintiffs,

v.

Case No. 23-CV-672

WISCONSIN ELECTIONS
COMMISSION, et al.,

Defendants.

COMMISSION DEFENDANTS' MOTION TO DISMISS

Defendants Wisconsin Elections Commission; Commissioners Don M. Millis, Robert F. Spindell, Marge Bostelmann, Ann S. Jacobs, Mark L. Thomsen, and Joseph J. Czarnecki; and Administrator Meagan Wolfe; by their attorneys, Wisconsin Attorney General Joshua L. Kaul, and Assistant Attorneys General Charlotte J. Gibson, Steven C. Kilpatrick, and Karla Z. Keckhaver, move this Court for an order as follows:

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), Commission Defendants move the Court for an order dismissing the complaint in its entirety. The grounds for this motion are set forth in the accompanying brief, which is incorporated by reference herein. In short, the case should be dismissed because Plaintiffs fail to state a claim under the Voting Rights Act or the Civil

Rights Act and because the Eleventh Amendment bars Plaintiffs' claims against the Commission defendants.

Dated this 25th day of October 2023.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/Charlotte Gibson
CHARLOTTE GIBSON
Assistant Attorney General
State Bar #1038845

KARLA Z. KECKHAVER
Assistant Attorney General
State Bar #1028242

STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 957-5218 (CJG)
(608) 264-6365 (KZK)
(608) 266-1792 (SCK)
(608) 294-2907 (Fax)
gibsoncj@doj.state.wi.us
keckhaverkz@doj.state.wi.us
kilpatricksc@doj.state.wi.us