

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

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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.

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**BLOC PLAINTIFFS' POSITION ON STATUS**

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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.<sup>1</sup> 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

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<sup>1</sup> 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,

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