

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

LISA HUNTER, JACOB ZABEL, JENNIFER  
OH, JOHN PERSA, GERALDINE  
SCHERTZ, & KATHLEEN QUALHEIM,

*Plaintiffs,*

v.

MARGE BOSTELMANN, JULIE M.  
GLANCEY, ANN S. JACOBS, DEAN  
KNUDSON, ROBERT F. SPINDELL, JR.,  
& MARK L. THOMSEN, in their official  
capacities as members of the Wisconsin  
Elections Commission,

*Defendants,*

THE WISCONSIN LEGISLATURE,

*Proposed Intervenor-Defendant.*

No. 3:21-cv-00512-jdp

**MOTION TO INTERVENE BY THE WISCONSIN LEGISLATURE**

The Wisconsin Legislature, through its counsel, hereby moves to intervene in the above-captioned case pursuant to Federal Rule of Civil Procedure 24(a)(2) or 24(b)(1). For the reasons stated in the accompanying brief filed in support of this motion, the Legislature should be permitted to intervene as of right or permissively. Intervention is warranted given the Legislature's unique and constitutionally conferred responsibility to redistrict after every census. *See* Wis. Const. art. IV, §3. Plaintiffs' suit has the potential to prescribe new rules for the Legislature's ongoing redistricting efforts, to take away the Legislature's power to redistrict, and ultimately to alter the Legislature's very make-up.

With the Legislature’s motion to intervene and accompanying memorandum of law, the Legislature attaches a proposed Answer (Attachment 1). *See* Fed. R. Civ. P. 24(c) (motion must “be accompanied by a pleading”); Fed. R. Civ. P. 7(a)(2). Simultaneously, the Legislature attaches a proposed Motion to Dismiss Plaintiffs’ complaint (Attachment 2) and an accompanying memorandum of law (Attachment 3). As described in that motion and the accompanying memorandum of law, Plaintiffs’ suit is wildly premature. It contravenes Supreme Court precedent condemning the “race to beat” everyone else “to the finish line” in redistricting disputes, *Grove v. Emison*, 507 U.S. 25, 37 (1993)—here, before there is even a case or controversy. Plaintiffs’ allegations do not bring this dispute within the limited “judicial Power” of the federal courts. U.S. Const. art. III, §2. By submitting a proposed Answer, as the Legislature must to comply with the requirement that an intervention motion be accompanied by a “pleading,” Fed. R. Civ. P. 24(c), the Legislature does not waive any of its defenses, privileges, or immunities in this baseless suit. The Legislature’s defenses are more fully described in the attached motion to dismiss.

If the Court grants intervention, the Legislature requests that the Court docket the attached motion to dismiss and accompanying memorandum of law and set a briefing schedule for the same. If the Court were to later deny the Legislature’s motion to dismiss in whole or in part, the Legislature would then file the proposed Answer and amend as permitted. *See* Fed. R. Civ. P. 12(a)(4)(A).

WHEREFORE, the Wisconsin Legislature requests that this Court enter an order granting this motion and allow the Legislature to participate as Intervenor-Defendant in this matter.

Dated: August 17, 2021

Respectfully submitted,

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*Counsel for Proposed-Intervenor, Wisconsin Legislature*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2021, I served this intervention motion and all attachments on the parties as provided in Federal Rule of Civil Procedure 5. *See* Fed. R. Civ. P. 24(c). I certify that I electronically filed the foregoing document, accompanying memorandum of law, and all attachments with the Clerk of Court using the Court's ECF system, thereby serving all counsel who have appeared in this case. I further certify that I mailed the foregoing document, accompanying memorandum of law, and all attachments to counsel for the named Defendants, who have not yet appeared in this case. *See* Fed. R. Civ. P. 5(b).

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