

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

BLACK LEADERS ORGANIZING FOR
COMMUNITIES, VOCES DE LA FRONTERA,
the LEAGUE OF WOMEN VOTERS OF
WISCONSIN, CINDY FALLONA, LAUREN
STEPHENSON, and REBECCA ALWIN,

Plaintiffs,

v.

Civil Action

File No. 3:21-cv-00534-jdp-ajs-ec

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.

PLAINTIFFS' STATEMENT REGARDING PROPOSED INTERVENTION

In the interest of expediting this proceeding in accordance with Fed. R. Civ. P. 1, Plaintiffs Black Leaders Organizing for Communities, Voces de la Frontera, the League of Women Voters of Wisconsin, Cindy Fallona, Lauren Stephenson, and Rebecca Alwin respectfully submit this Statement to the Court regarding the Wisconsin Legislature's pending Motion to Intervene, dkt. 10. In her August 26, 2021, order appointing to this case the same three-judge panel appointed to hear *Hunter, et al. v. Bostelmann, et al.*, No. 21-cv-512-jdp-ajs-ec (the "512 case"), Seventh Circuit Chief Judge Diane S. Sykes stated that both cases "should be heard by the same panel." Dkt. 16. This Court promptly issued an order to show cause by September 7 why the two cases should not be consolidated. '512 case dkt. 24; '534 case dkt. 17. The Court then extended that deadline to

September 13 in light of the motion for leave to add parties filed by the Plaintiffs in the ‘534 case. ‘512 case dkt. 46. As of the filing of this statement, no party to either action has opposed consolidation in light of the filing of Plaintiffs’ motion for leave to add parties in the ‘534 case, and the Legislature filed a statement expressly stating that it does not object. *See* ‘512 dkt. 53.

Pending a decision on consolidation, the Court stayed the briefing in this case on the Legislature’s Motion to Intervene. *See* dkt. 17. On August 27, the Court granted the Legislature’s motion to intervene in the ‘512 case over the objection of the plaintiffs there. *See* ‘512 case dkt. 24. Although Plaintiffs in this case disagree with many of the contentions raised in the Legislature’s Motion to Intervene and supporting brief here (and expressly do not waive but reserve the right to raise legal arguments in response to such contentions where appropriate),¹ they recognize that when the cases are consolidated, as it appears they will be, the Legislature will be a party to the consolidated proceedings. Consequently, Plaintiffs here do not oppose the Court granting the Legislature leave to intervene permissively under Fed. R. Civ. P. 24(b)(1)(B).

Moreover, although the ‘512 and ‘534 cases have not yet been consolidated, and no other nonparties have yet moved to intervene in the ‘534 case as they have in the ‘512 case, Plaintiffs here do not oppose the intervention (again, pursuant to the permissive intervention standard of Fed. R. Civ. P. 24(b)(1)(B)) of the proposed intervenors in the ‘512 case who have not yet been granted leave to intervene should the cases be consolidated.

¹ For example, Plaintiffs disagree with the Legislature that it, “far more than the Wisconsin Elections Commission, is effectively the real party in interest in this case.” Dkt. 10 at 5. Also by way of example, Plaintiffs disagree that their “request for a judicially decreed schedule” is “premature.” *See id.* at 7. The Court need not address these legal issues in the context of a motion to intervene, however, as they also will be briefed by the parties as part of the Legislature’s motion to dismiss upon intervention. *See, e.g.*, dkt. 10 at 7 (“For the reasons stated in the attached motion to dismiss, there is thus no basis for a federal court to declare the current districts unconstitutional.”).

Dated: September 13, 2021.

Respectfully submitted,

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*Application for general admission in the Western
District of Wisconsin currently pending