

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

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

Plaintiffs,

and

21-cv-512-jdp-ajs-ec

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-ec

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.

PLAINTIFFS' EXPEDITED MOTION FOR STATUS CONFERENCE

The BLOC Plaintiffs initiated this action six months ago, asserting a claim under the United States Constitution that Wisconsin's current legislative districts are malapportioned in violation of federal law. Dkt. 1 in the '534 case. That claim still stands under the operative complaint. Dkt. 74.¹ Although the Court declined requests to dismiss the BLOC Plaintiffs' malapportionment claims, it nonetheless stayed this consolidated proceeding through January 28, 2022, to allow the Wisconsin State Supreme Court an opportunity to adjudicate malapportionment claims filed in another case, *Johnson v. Wis. Election Comm'n*, No. 2021-AP-1450-OA. Dkt. 103 at 5; dkt. 114 at 3; dkt. 155; dkt. 116. In doing so, the Court expressly stated that “[f]ederal rights are at stake, so this court will stand by to draw the maps—should

¹ All citations to the docket refer to entries for Case No. 21-cv-512 unless otherwise indicated.

it become necessary.” Dkt. 103.

It may be necessary for this Court to do just that. Despite the completion of briefing to the Wisconsin Supreme Court nearly two months ago, and oral argument to the state supreme court five weeks ago, no opinion has yet issued. In the meantime, this Court’s stay has expired, the current state Assembly and Senate districts remain unconstitutionally malapportioned with elections for those offices looming this year, and the March 15, 2022 deadline by which the BLOC Plaintiffs urged this Court to act is only weeks away. Dkt. 74 at 18, dkt. 78 at 26. (Defendant the Wisconsin Elections Commission has argued the relevant date is even earlier: March 1. Dkt. 41 at 2.) All parties to these combined cases have judicially admitted that the existing legislative districts—now a decade old—are malapportioned following the 2020 Census in violation of the U.S. Constitution, *Johnson*, 2021 WI 87 ¶2, 399 Wis. 2d 623, 630, 967 N.W.2d 469, 473, and therefore judgment on BLOC Plaintiffs’ malapportionment claim is appropriate now.

Plaintiffs request the Court grant this motion and set a status conference as soon as possible to schedule a process for entering judgment and adopting remedial districts.

Dated: February 24, 2022.

Respectfully submitted,

By: /s/ Douglas M. Poland
Douglas M. Poland, SBN 1055189
Jeffrey A. Mandell, SBN 1100406
Colin T. Roth, SBN 1103985
Rachel E. Snyder, SBN 1090427
Richard A. Manthe, SBN 1099199
Carly Gerads, SBN 1106808
STAFFORD ROSENBAUM LLP
222 West Washington Avenue, Suite 900
P.O. Box 1784

Madison, Wisconsin 53701-1784
dpoland@staffordlaw.com
jmandell@staffordlaw.com
croth@staffordlaw.com
rsnyder@staffordlaw.com
rmanthe@staffordlaw.com
cgerads@staffordlaw.com
608.256.0226

Mel Barnes, SBN 1096012
LAW FORWARD, INC.
P.O. Box 326
Madison, Wisconsin 53703-0326
mbarnes@lawforward.org
608.535.9808

Mark P. Gaber
Christopher Lamar
Simone Leeper
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegalcenter.org
clamar@campaignlegalcenter.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, Illinois 60603
aharless@campaignlegalcenter.org
312.312.2885

Attorneys for BLOC Plaintiffs