

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

WILLIAM WHITFORD, et al.,

Plaintiffs,

Case No. 3:15-CV-00421-jdp

v.

BEVERLY R. GILL, et al.

Defendants.

**WISCONSIN STATE ASSEMBLY'S MOTION TO INTERVENE PURSUANT
TO FRCP 24(A) & (B)**

INTRODUCTION

The Wisconsin State Assembly, through its counsel, hereby moves to intervene in the above-titled action pursuant to Federal Rule of Civil Procedure 24(a) and 24(b). For reasons stated here and in the accompanying brief in support of this motion, granting this motion is appropriate because the elements of mandatory intervention are present: this motion is timely; the Wisconsin State Assembly has an interest in the subject of the action; the Wisconsin State Assembly is situated such that disposing of the matter will impair or impede proposed-intervenor's ability to protect its interest; and the Wisconsin State Assembly's interest is not adequately represented.

Should the Court conclude that the requirements of Rule 24(a) are not met, granting this motion is appropriate because the elements of permissive intervention are present: this motion is timely, the Wisconsin State Assembly shares a defense

with the existing defendants, and no party is unduly prejudiced by permitting intervention. In addition, the Wisconsin State Assembly is the true party in interest in this case and should be permitted to participate in this case that has the potential to alter its makeup and place new limitations on its powers and duties.

The Wisconsin State Assembly's positions in this case are stated here, in the accompanying brief in support of this motion, and in the following Attachments to the brief:

- Attachment 1: Wisconsin State Assembly's Motion To Dismiss.
- Attachment 2: Brief In Support of Wisconsin State Assembly's Motion To Dismiss.
- Attachment 3: Wisconsin State Assembly's Answer To Amended Complaint.

If intervention is granted, proposed-intervenors request the Court file the attached motion to dismiss and brief in support. Should that motion be denied and a pleading required, then the Wisconsin State Assembly would file the Answer.

WHEREFORE, the Wisconsin State Assembly requests this Court enter an order granting this motion and allow the Wisconsin State Assembly to participate as a party (intervening defendant) in this matter.

Respectfully submitted this 4th day of October, 2018.

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