

FILED
11-27-2019
Ozaukee County, WI
Mary Lou Mueller CoCC
2019CV000449

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

OZAUKEE COUNTY

TIMOTHY ZIGNEGO, DAVID W. OPITZ,
and FREDERICK G. LUEHRS, III,

Plaintiffs,

v.

Case No. 2019CV000449

WISCONSIN ELECTIONS COMMISSION,
MARGE BOSTELMANN, JULIE
GLANCEY, ANN JACOBS, DEAN
KNUDSON, and MARK THOMSEN,

Code: 30701

Defendants.

**NOTICE OF MOTION AND MOTION OF PROPOSED INTERVENOR-DEFENDANT
LEAGUE OF WOMEN VOTERS OF WISCONSIN FOR LEAVE TO FILE BRIEF IN
OPPOSITION TO PLAINTIFFS' MOTION FOR A TEMPORARY INJUNCTION OR IN
THE ALTERNATIVE FOR A WRIT OF MANDAMUS**

NOTICE OF MOTION

TO:

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Attorneys for Defendants

Attorneys for Plaintiffs

PLEASE TAKE NOTICE that proposed Intervenor-Defendant, the League of Women Voters of Wisconsin, by and through its counsel, Rathje Woodward LLC, will appear before the Honorable Paul V. Malloy, in his usual courtroom located at Room 246, Ozaukee County Justice Center, 1201 S. Spring St., Port Washington, WI 53074, on such date and at such time as may be set by the Court, and shall then and there present the following Motion for Leave to File Brief in Opposition to Plaintiffs' Motion for a Temporary Injunction or in the Alternative for a Writ of Mandamus.

MOTION

Proposed Intervenor-Defendant, League of Women Voters of Wisconsin (the "League"), by and through its counsel, Rathje Woodward LLC, moves the Court and respectfully requests that the Court grant it leave to file its Brief in Opposition to Plaintiffs' Motion for a Temporary Injunction or in the Alternative for a Writ of Mandamus, which is attached as Exhibit A to the Affidavit of Douglas M. Poland, dated November 27, 2019 ("11/27/19 Poland Aff."). In support of this Motion, the League states as follows:

1. On November 13, 2019, Plaintiffs initiated this action by filing their Complaint.
2. In their Complaint, Plaintiffs joined the Commission and the individual Commissioners as Defendants. Plaintiffs did not join the League as a party. On November 22, 2019, the League moved to intervene in this action as a Defendant.
3. Plaintiffs' counsel has represented to the undersigned counsel, and to the Court and the parties in a telephone hearing on November 26, 2019, that Plaintiffs will oppose the League's Motion to Intervene. Counsel for the Defendants has indicated they will take no position on the League's Motion to Intervene.

4. As of the filing of the current Motion, counsel for the League has not been served with any response to its Motion to Intervene, and the Motion to Intervene has not been ruled upon by the Court. Consequently, the League currently remains a non-party to the captioned action.

5. On November 14, 2019, Plaintiffs filed a Motion for a Temporary Injunction or in the Alternative for a Writ of Mandamus (“TI Motion”). The TI Motion is currently scheduled for hearing on December 5, 2019, at 9 AM.

6. Plaintiffs’ TI Motion asks the Court to enter a temporary injunction, or in the alternative, a writ of mandamus, that if granted would result in the removal of more than 234,000 registered voters from Wisconsin’s rolls solely based on the fact that the Wisconsin Elections Commission (“WEC” or “the Commission”) has obtained information from the Electronic Registration Information Center (“ERIC”) that these voters have listed an address in the course of a government transaction, such as with the Wisconsin Department of Motor Vehicles (“DMV”), that is different from the residential address where they are currently registered to vote.

7. In the November 26 telephone hearing with the Court referred to in Paragraph 3 above, counsel for Defendants indicated that they will file an opposition to Plaintiffs’ TI Motion today, November 27.

8. As the undersigned counsel noted for the Court and the parties in the November 26 telephone hearing, the League seeks to intervene in this action so that it may be heard at the hearing on Plaintiffs’ TI Motion currently set for December 5, 2019. Consequently, the League seeks to have its Motion to Intervene ruled on either before or at the December 5 temporary injunction hearing so that, if the motion is granted, the League may be heard at the December 5 temporary injunction hearing.

9. The League does not seek to delay the schedule currently set by the Court, including the December 5 hearing on the TI Motion. In the interest of expediting these proceedings, the League seeks to submit for the Court's consideration its brief in opposition to the Plaintiffs' TI Motion on the same date as the Defendants file their opposition brief. However, since the Court has not yet issued an order that the League may intervene and participate in this action as a party, rather than filing its brief, the League now respectfully moves the Court for leave to file its brief in opposition to Plaintiffs' TI Motion. The League's opposition brief, which it will file if granted leave to do so, is attached to the contemporaneously filed Affidavit of Douglas M. Poland, dated November 27, 2019 as Exhibit A.

WHEREFORE, proposed Intervenor-Defendant, League of Women Voters of Wisconsin, respectfully respects that the Court grant leave to the League to file its Brief in Opposition to Plaintiffs' Motion for a Temporary Injunction or in the Alternative for a Writ of Mandamus.

Dated: November 27, 2019.

Respectfully submitted,

By: Electronically signed by Atty. Douglas M. Poland

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**Motions for Admission Pro Hac Vice to be Filed*