

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

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FRED M. YOUNG, JR.,

Plaintiff,

v.

Case No. 13-CV-635

TIMOTHY VOCKE, et al.,

Defendants.

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JOINT CIVIL LOCAL RULE 7(h)  
MOTION TO STAY PROCEEDINGS

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Pursuant to Civil Local Rule 7(h), Plaintiff Fred M. Young, Jr. and Defendants Timothy Vocke, Gerald C. Nichol, Michael Brennan, Thomas Barland, Thomas Cane, and David G. Deininger, by their undersigned counsel, hereby jointly move the Court for an order staying all proceedings in this matter for 90 days, including all motion briefing deadlines, based on the potential significance of a case pending in the U.S. Supreme Court, namely *McCutcheon v. FEC*, No. 12-536. In support of their motion, the parties state as follows:

On February 19, 2013, the United States Supreme Court accepted the appeal of *McCutcheon v. FEC*, No. 12-536.<sup>1</sup> The *McCutcheon* case addresses issues that directly impact the resolution of the instant case. Specifically, *McCutcheon* raises the issues of: (1) the appropriate First Amendment standard of review in the contribution-limitation context; (2) the validity of “anti-circumvention” as a recognized state interest; and (3) whether the contribution limitations at issue are too low under *Randall v. Sorrell*, 548 U.S. 230 (2006). How these three issues are resolved by the Supreme Court could directly and significantly impact the outcome of the instant case.

For this reason, Plaintiff and Defendants believe that staying this matter for a period of time to see if *McCutcheon* is promptly resolved would preserve judicial resources and ensure that all briefing in this case reflects the most relevant Supreme Court jurisprudence.

The parties request a Rule 16 Pretrial Conference with the Court to be set in approximately 90 days from the date of this motion. At the Pretrial Conference the parties anticipate that:

1. They will advise the Court of the status of *McCutcheon*; and,

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<sup>1</sup>A description of *McCutcheon* can be found at the following URL: <http://www.scotusblog.com/case-files/cases/mccutcheon-v-federal-election-commission/> (last visited August 9, 2013).

2. Depending on the status of *McCutcheon* either ask the Court for an additional stay or set a briefing schedule for dispositive motions.

On August 1, 2013, Defendants' counsel Clay Kowski conferred with Plaintiff's counsel Brian McGrath, who does not object to this motion. Plaintiff and Defendants jointly move the Court.

WHEREFORE, Plaintiff and Defendants jointly move this Court to grant their motion and stay all proceedings in this case, including all motion briefing deadlines, for 90 days.

Dated this 9th day of August, 2013.

Respectfully submitted,

/s Brian McGrath  
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