

provisions by transferring local legislative power vested exclusively in the county board to the local health director without sufficient constraints; (3) the two sections of the order Dane County invokes did not apply to A Leap Above, by the order's own terms; (4) even if those sections did apply to A Leap Above, the event in question was at most one violation under the text of the order and ordinances; (5) the order is void for vagueness and cannot be enforced against A Leap Above; (6) the restrictions violated the First Amendment and Article I, Section 3 of the Wisconsin Constitution, both facially and as applied to the conduct alleged in the counterclaim; and (7) Wis. Stat. § 252.03 does not permit a local health officer to ban *private* gatherings in a business. Further grounds for this motion are set forth in the accompanying memorandum filed herewith.

PLEASE TAKE FURTHER NOTICE that this motion will be heard on a date and time to be set by the Court.

Dated: March 18, 2021.

Respectfully Submitted,

Rick Esenberg (SBN 1005622)
(414) 727-6367 | rick@will-law.org

Electronically signed by Luke N. Berg
Luke N. Berg (SBN 1095644)
(414) 727-7361 | luke@will-law.org

Daniel P. Lennington (SBN 1088694)
(414) 727-9455 | dan@will-law.org

Anthony LoCoco (SBN 1101773)
(414) 727-7419 | alococo@will-law.org

Wisconsin Institute for Law & Liberty

330 E. Kilbourn Ave., Suite 725
Milwaukee, WI 53202
Phone: (414) 727-9455
Fax: (414) 727-6385

Attorneys for A Leap Above