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**No. 24AP232**

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**In the Supreme Court of Wisconsin**

KENNETH BROWN,  
PLAINTIFF-RESPONDENT

*v.*

WISCONSIN ELECTIONS COMMISSION,  
DEFENDANT-CO-APPELLANT,

WISCONSIN ALLIANCE FOR RETIRED AMERICANS, BLACK LEADERS  
ORGANIZING FOR COMMUNITIES, AND DEMOCRATIC NATIONAL  
COMMITTEE,  
INTERVENORS-CO-APPELLANTS,

TARA McMENAMIN,  
DEFENDANT-APPELLANT.

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**PLAINTIFF-RESPONDENT'S MEMORANDUM IN SUPPORT OF  
HIS MOTION TO RECUSE JUSTICE PROTASIEWICZ**

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## INTRODUCTION

While on the campaign trail, Justice Janet Protasiewicz recognized that she could not be impartial in cases involving the Democratic Party because the Party was instrumental in funding her campaign—donating nearly \$10 million to the cause.<sup>1</sup> Accordingly, Justice Protasiewicz promised to recuse herself from such cases.<sup>2</sup>

The Democratic National Committee (DNC)—the organization “responsible for governing the Democratic Party”<sup>3</sup>—is a party to this case and has joined the Petition for Bypass now pending before this Court. The DNC makes regular, significant contributions to its affiliate, the

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<sup>1</sup> WisPolitics reported, based on campaign finance reports, that the Democratic Party gave a total of \$9.9 million to Justice Protasiewicz’s Supreme Court campaign. See WisPolitics, *WisPolitics Tracks \$56 Million in Spending on Wisconsin Supreme Court Race*, (July 19, 2023), <https://www.wispolitics.com/2023/wispolitics-tracks-56-million-in-spending-on-wisconsin-supreme-court-race/#:~:text=WisPolitics%20has%20tracked%20more%20than,first%20time%20in%2015%20years>.

<sup>2</sup> See e.g., Scott Bauer, AP, *Protasiewicz Pledges to Recuse in Lawsuits from Democrats, While Kelly Declines to Pledge for Republican Cases*, PBS Wisconsin, (Mar. 1, 2023), available at <https://perma.cc/NFX2-37GZ>; Shawn Johnson, *Supreme Court candidate Janet Protasiewicz says she’d recuse herself in cases involving state Democratic Party*, Wis. Pub. Radio, (Mar. 1, 2023), <https://www.wpr.org/justice/wisconsin-supreme-court-candidate-janet-protasiewicz-recuse-cases-democratic-party>; Henry Redman, *Protasiewicz says she’d recuse herself from cases involving Democratic Party*, Wis. Examiner (Mar. 1, 2023), <https://wisconsinexaminer.com/brief/protasiewicz-says-shed-recuse-herself-from-cases-involving-democratic-party/>

<sup>3</sup> Democratic National Committee, *About the Committees: Democratic National Committee*, (2024), <https://democrats.org/who-we-are/about-the-democratic-party/>

Democratic Party of Wisconsin (“DPW”),<sup>4</sup> which in turn funneled millions of dollars into Justice Protasiewicz’s campaign for a seat on the Wisconsin Supreme Court.<sup>5</sup> The DNC’s participation in this case indicates that this action is important to the Democratic Party, and Justice Protasiewicz should, therefore, live up to her promise and recuse herself.

### ARGUMENT

Justice Protasiewicz should recuse herself from this action. The DNC is a party to this case and, as explained in more detail below, the

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<sup>4</sup> See Federal Election Commission, *Receipts: Democratic Party of Wisconsin Federal (ID: C00019331), Recipient, DNC Services Corp./Democratic National Committee (C00010603), Source*, (01/01/2022–4/10/2023), available at [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00019331&contributor\\_name=C00010603&two\\_year\\_transaction\\_period=2022&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2022&max\\_date=04%2F10%2F2023](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00019331&contributor_name=C00010603&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2022&max_date=04%2F10%2F2023); See also Federal Election Commission, *Disbursements: Democratic Party of Wisconsin Federal (ID: C00019331), Recipient, DNC Services Corp./Democratic National Committee (C00010603), Spender*, (01/01/2022–4/10/2023), available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00010603&recipient\\_name=C00019331&two\\_year\\_transaction\\_period=2022&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2022&max\\_date=04%2F10%2F2023](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00010603&recipient_name=C00019331&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2022&max_date=04%2F10%2F2023).

Please note that the contributions DPW receives from DNC can be located by selecting <https://www.fec.gov/data/committee/C00019331/>, clicking on “browse receipts,” choosing a “Report Time Period,” and ensuring that the “DNC Services Corp/Democratic National Committee (C00010603)” is listed as the “source”/“spender” and “Democratic Party of Wisconsin Federal (C00019331)” is listed as the “recipient.”

<sup>5</sup> *Supra*, n.1.

DNC and DPW are each part of the Democratic Party and are materially indistinguishable with respect to the interests and political influence the Democratic Party intended to further through its large-scale donations to Justice Protasiewicz's Supreme Court campaign. Consistent with the Due Process Clause of the Fourteenth Amendment to the United States Constitution, Wisconsin law, and Wisconsin's Code of Judicial Conduct, Justice Protasiewicz's recusal from this action is warranted.

**I. The DNC and DPW are part of the Democratic Party, and the political interests supported by both organizations are materially indistinguishable.**

The DNC is “the home of the Democratic Party,”<sup>6</sup> and it is “responsible for governing the Democratic Party.”<sup>7</sup> The DNC is comprised “of the chairs and vice chairs of each state Democratic Party” as well as more than 200 elected members from all 50 states.<sup>8</sup> and it raises money to elect democrats “all across the country.”<sup>9</sup>

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<sup>6</sup> Democratic National Committee, *About the Democratic Party: Our Party*, (2024), <https://democrats.org/who-we-are/about-the-democratic-party/>

<sup>7</sup> Democratic National Committee, *About the Committees: Democratic National Committee*, (2024), <https://democrats.org/who-we-are/about-the-democratic-party/>

<sup>8</sup> *Id.*

<sup>9</sup> Democratic National Committee, *What we Do*, (2024) <https://democrats.org/who-we-are/what-we-do/>; See also Democratic National Committee, *Donate to Help Elect Democrats*, (2024), <https://democrats.org>



The DNC is a party to this case. The DNC’s mission to “elect[] Democratic candidates to federal, state, and local offices, including in Wisconsin,” Dkt. 20, ¶ 3, and it “accomplishes its mission by making expenditures for and contributions to Democratic candidates and assisting state parties throughout the country in voter education and turnout efforts, among other things.” Dkt. 20, ¶ 5.

The Association of State Democratic Committees (ADSC)—which exists within the DNC—helps accomplish the Democratic Party’s state-level goals by representing “State [Democratic] Party interests at the DNC, as well as within the wider Democratic and progressive ecosystem.”<sup>10</sup> The ADSC’s mission “is to help build robust state parties in order to elect Democrats from local office to the Oval Office,”<sup>11</sup> and to achieve this, the ADSC works to ensure that “state Parties have the tools and resources they need to elect those who share [Democratic] values...”<sup>12</sup>

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<sup>10</sup> Democratic National Committee, *ADSC Mission Statement*, (2024) <https://democrats.org/who-we-are/state-parties/>

<sup>11</sup> Democratic National Committee, *About the Democratic Party: The ADSC*, (2024), <https://democrats.org/who-we-are/about-the-democratic-party/>

<sup>12</sup> *Supra*, n.10.

DPW, just like each state's State Democratic Party, is a member of the ADSC and an affiliate of the DNC.<sup>13</sup> The DNC regularly makes monetary contributions—in amounts that typically range from the thousands to the hundreds of thousands—to DPW,<sup>14</sup> and a link to the DPW homepage is provided on the the DNC's website.<sup>15</sup> All of this (and more) indicates that DNC and DPW are irrefutably intertwined and materially the same.

For example, a cursory examination of the Democratic Party's campaign finance reports demonstrates the interconnection of the DNC and DPW, as well as the Democratic Party's significant financial involvement in Justice Protasiewicz's Supreme Court campaign. According to one of DPW's state campaign finance reports, DPW gave \$8,036,000 in monetary contributions and another \$700,000+ in non-monetary contributions to "Janet for Justice" between February 7, 2023

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<sup>13</sup> Democratic National Committee, *ADSC Membership*, (2024) <https://democrats.org/who-we-are/state-parties/> ; Democratic National Committee, *State Party Websites*, (2024), <https://democrats.org/who-we-are/state-parties/state-party-websites/>.

<sup>14</sup> *Supra*, n.4.

<sup>15</sup> Democratic National Committee, *State Party Websites*, (2024) , <https://democrats.org/who-we-are/state-parties/state-party-websites/>.

to March, 20, 2023, alone.<sup>16</sup> These contributions amounted to more than 80 percent of DPW's total campaign contributions in that reporting period—meaning that between February 7, 2023 and March 20, 2023, DPW gave Justice Protasiewicz's campaign *four times more* than the amount it gave to *all other candidates and political committees combined*.<sup>17</sup>

In addition, DPW's federal campaign finance report shows that the DNC gave DPW a total of \$530,882.34 in February and March of 2023.<sup>18</sup> The exact timing of the DNC's donations during that period—most notably two donations amounting to at least \$250,000 each (recorded on February 24, 2023, and March 9, 2023, respectively<sup>19</sup>)—aligns with the

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<sup>16</sup> State of Wisconsin, *Campaign Finance Report: Democratic Party of Wisconsin, Spring 2023/8<sup>th</sup> Senate Spring Pre-Election 2023*, (02/07/2023 through 3/20/2023), available at: <https://cfis.wi.gov/ReportsOutputFiles/030005419089b69327202353358PMCF-2Report.pdf>

<sup>17</sup> *Id.*

<sup>18</sup> *See supra*, n.4. For convenience, the receipts are available here: [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00019331&contributor\\_name=C00010603&two\\_year\\_transaction\\_period=2022&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2022&max\\_date=04%2F10%2F2023](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00019331&contributor_name=C00010603&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2022&max_date=04%2F10%2F2023) and the disbursements are available here: [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00010603&recipient\\_name=C00019331&two\\_year\\_transaction\\_period=2022&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2022&max\\_date=04%2F10%2F2023](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00010603&recipient_name=C00019331&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2022&max_date=04%2F10%2F2023).

<sup>19</sup> *See Id.*

post-primary, pre-election time period in Justice Protasiewicz's campaign. For example, Justice Protasiewicz won the primary election on February 21, 2023,<sup>20</sup> and the DNC made a \$262,500 donation to DPW on February 24, 2023.<sup>21</sup> For reference, the DNC had last given DPW a six-figure donation in October of 2022.<sup>22</sup>

In sum, the Democratic Party's immense financial involvement in Justice Protasiewicz's Supreme Court campaign, the interconnectedness of the DNC and DPW, and the DNC's status as a party in the present action warrants Justice Protasiewicz's recusal from this case. There is simply no meaningful difference between the DNC and DPW, especially with respect to how members of the general public would be expected to view them: both represent the interests of the Democratic Party. Moreover, the DNC has stated that its status as a party in this case will be used to advance the partisan interests of the Democratic Party. *See* Dkt. 19:11 (moving for intervention in this action and arguing that neither of the then-current Defendants could "adequately represent

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<sup>20</sup> The New York Times, *Wisconsin State Supreme Court Primary Election Results*, (February 22, 2023), <https://www.nytimes.com/interactive/2023/02/21/us/elections/results-wisconsin-supreme-court.html>

<sup>21</sup> *Supra*, n.18.

<sup>22</sup> *Id.*

DNC's partisan interests"). All of this casts doubt on Justice Protasiewicz's impartiality in this matter, as Justice Protasiewicz herself has recognized.<sup>23</sup>

## **II. Recusal is Required by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.**

"A fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison* 349 U.S. 133, 136 (1955). While there is a presumption that judges are impartial, this presumption is rebuttable if a preponderance of the evidence indicates that bias is (or may be) present. *See In re Paternity of B.J.M.*, 2020 WI 56, ¶21, 392 Wis. 2d 49, 944 N.W.2d 542 (citations omitted).

Judicial recusal is required when "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 872 (2009) (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). Proof of actual bias is not required under the Due Process Clause. *Id.* at 883 (citations omitted). Rather, Courts ask whether, "under a realistic appraisal of psychological tendencies and human weakness,' the interest 'poses such a risk of actual bias or prejudgment that the practice must

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<sup>23</sup> *See supra*, n.2.

be forbidden if the guarantee of due process is to be adequately implemented.” *Id.* at 883–84 (quoting *Withrow*, 421 U.S. at 47).

The U.S. Supreme Court has determined that “there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge’s election campaign when the case was pending or imminent.” *Id.* at 884. Whether there is “a serious risk of actual bias” in this case therefore depends on an assessment of the nature of the case, who the parties are, the extent of the financial influence at issue, and the “temporal relationship between the campaign contributions, the justice’s election, and the pendency of the case.” *Id.* at 886; 884–886. All factors indicate that there is indeed a “serious risk of actual bias” here.

This case is about whether state laws were followed. This action commenced on December 1, 2022, the DNC moved to intervene on February 10, 2023, and the DNC’s motion to intervene was granted on March 15, 2023. *See* Dkts. 3, 18, 65.

As the timeline above indicates, this case was pending while Justice Protasiewicz was campaigning for a seat on the Wisconsin

Supreme Court–winning the primary on February 21, 2023, and the election on April 4, 2023.<sup>24</sup> Review of this case by the Wisconsin Supreme Court has been possible since the action was filed on December 1, 2022, and Justice Protasiewicz’s involvement in the case has been “reasonably foreseeable” since that date. All of this highlights “the temporal relationship between the [Democratic Party’s] campaign contributions, [Justice Protasiewicz’s] election, and the pendency of [this] case,” to which the DNC became a party on March 15, 2023. *Caperton*, 556 U.S. at 886; Dkt. 65.

Moreover, when Justice Protasiewicz declined to recuse herself in *Clarke v. Wis. Elections Comm’n*, she acknowledged that recusal is proper under *Caperton* if someone with a “personal stake in a particular case” is a named party, or if a named party is a “stand-in[]” for someone with personal stake in the outcome. 2023 WI 66, ¶¶37–38, 995 N.W.2d 735 (citation omitted). Here, the DNC irrefutably has a stake in the outcome because it is an intervening party in this action. The DNC is also a stand-

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<sup>24</sup> The New York Times, *Wisconsin State Supreme Court Primary Election Results*, (February 22, 2023), <https://www.nytimes.com/interactive/2023/02/21/us/elections/results-wisconsin-supreme-court.html> ; Wisconsin Court System, *Justice Janet C. Protasiewicz*, (July 26, 2023), <https://www.wicourts.gov/courts/supreme/justices/protasiewicz.htm>

in for DPW because the DNC supports and represents the same interests as DPW and is closely affiliated with DPW—so much so that both the DNC and DPW are materially indistinguishable with respect to the political influence they exert and interests they support, as explained *supra*, Part I.

It is also no secret that the relative size of DPW’s contribution to Justice Protasiewicz’s campaign was significant—amounting to 57 percent of the spending by her campaign committee, and one third of the total spending for her campaign. *See Clarke v. WEC*, 2023 WI 66, ¶14. As Justice Protasiewicz, herself, has recognized, contributions of that magnitude cast doubt on impartiality.<sup>25</sup>

Three factors determine whether a party’s financial contribution had a “significant and disproportionate” influence in placing a judge on the bench: (1) “the contribution’s relative size in comparison to the total amount of money contributed to the campaign;” (2) “the total amount spent in the election;” and (3) the apparent effect such contribution had on the outcome of the election.” *Caperton*, 556 U.S. at 884. Critically, “[w]hether [the Democratic Party’s] campaign contributions were a

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<sup>25</sup> *Supra* n.2.



necessary and sufficient cause of [Protasiewicz's] victory is *not* the proper inquiry.” *Id.* at 885 (Emphasis added). What *is* proper is “an objective inquiry into whether the contributor’s influence on the election under all the circumstances ‘would offer a possible temptation to the average ... judge to ... lead him not to hold the balance nice, clear, and true.’” *Id.* (quoting *Tumey v. State of Ohio*, 273 U.S. 510, 532 (1927)).

Under current Wisconsin law, the individual limit on contributions to state supreme court campaigns is \$20,000. Wis. Stat. § 11.1101(1)(a). However, there is no limit on the amount of money that an individual may donate to political action committees (PACs) and party committees, nor any limit on the contributions that party committees may make to PACs, party committees, or candidate committees.<sup>26</sup> These rules give party committees like DPW an outsized role in campaigns because they can donate unlimited amounts (nearly \$10,000,000 in this case) while individuals cannot.

Although DPW’s multi-million-dollar contributions to Justice Protasiewicz’s campaign are not illegal in Wisconsin, the risk of actual bias is still “sufficiently substantial that [Protasiewicz’s participation]

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<sup>26</sup> State of Wisconsin Ethics Commission, *Campaign Finance: Contribution Limits*, <https://ethics.wi.gov/Pages/CampaignFinance/ContributionLimits.aspx>

‘must be forbidden if the guarantee of due process is to be adequately implemented.’” *Caperton*, 556 U.S. at 885 (quoting *Withrow*, 421 U.S. at 47). DPW (which, again, is part of the Democratic Party and closely affiliated with the DNC), funded one third of the total amount spent in support of Justice Protasiewicz’s campaign and over half of her campaign committee’s spending. *See Clarke v. WEC*, 2023 WI 66, ¶14. Without making any assumptions as to whether DPW’s donations were a “*necessary and sufficient*” cause of Justice Protasiewicz’s victory, it is clear that the magnitude of the Democratic Party’s donations present a “possible temptation” to not “hold the balance nice, clear, and true” in this action—namely, to make decisions according to the preferred policy positions of the Democratic Party. *Id.* at 885 (citation omitted) (Emphasis added). This risk is precisely what Justice Protasiewicz recognized when she pledged to recuse from cases in which the Democratic Party is a party.<sup>27</sup>

Consistent with federal due process and Justice Protasiewicz’s prior public statements on the matter, Justice Protasiewicz should recuse herself from this action.

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<sup>27</sup> *Supra*, n.2.

### **III. Wisconsin Law and the Code of Judicial Conduct Warrant Justice Protasiewicz's Recusal from this Action.**

Like federal law, Wisconsin law recognizes that “a minimal rudiment of due process is a fair and impartial decisionmaker.” *Guthrie v. WERC*, 111 Wis. 2d 447, 454, 331 N.W.2d 331 (1983) (citation omitted). “[T]he right to an impartial decisionmaker stretches beyond the absence of actual bias to encompass the appearance of bias as well.” *State v. Herrmann*, 2015 WI 84, ¶30, 364 Wis. 2d 336, 867 N.W.2d 772.

As relevant here, Wisconsin law provides that a judge “shall disqualify himself or herself from any civil or criminal action or proceeding” if “a judge determines that, for any reason, he or she cannot, or it appears he or she cannot, act in an impartial manner,” or if “a judge has a significant financial or personal interest in the outcome of the matter.” Wis. Stat. § 757.19(2)(g), (f).

Similarly, Wisconsin's Code of Judicial Conduct provides that “a judge shall recuse himself or herself in a proceeding ... when reasonable, well-informed persons knowledgeable about judicial ethics standards and the justice system and aware of the facts and circumstances the judge knows or reasonably should know would question the judge's ability to be impartial.” SCR 60.04(4). Judges must also refrain from

being “swayed by partisan interests, public clamor or fear of criticism.”  
SCR 60.04(1)(b).

Recusal under Wis. Stat. § 757.19(2)(g) is a subjective decision that consists of a judge’s own assessment of whether “he or she cannot, or it appears he or she cannot, act in an impartial manner.” Wis. Stat. § 757.19(2)(g); *State v. Pinno*, 2014 WI 74, ¶93, 356 Wis. 2d 106, 850 N.W.2d 207 (“This statute ‘is clearly drafted so as to place the determination of partiality solely upon the judge.’”) (citations omitted). In an exercise of that subjective judgment, Justice Protasiewicz has already publicly stated that the amount donated to her campaign by the Democratic Party casts sufficient doubt on the public’s impression of her impartiality in actions where the Democratic Party is a party.<sup>28</sup> This statement implicates the statutory need to recuse if a Justice cannot maintain the appearance of impartiality, as well as the similar dictates present in the Code of Judicial Conduct. *See* Wis. Stat. § 757.19(2)(g); *See also* SCR 60.04(4), 60.04(1)(b). And, according to that public statement, Justice Protasiewicz should recuse herself from this case because the Democratic Party is a party to this action.

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<sup>28</sup> *See supra*, n.1 (reporting that the Democratic Party donated a total of \$9.9 million to Justice Protasiewicz’s campaign), n.2.

Under Wis. Stat. § 757.19(2)(f), the judge must “make an *objective* determination that she does or does not have significant personal [or financial] interest in the outcome of a case as established by evidence and reasonable inferences.” *Clarke v. WEC*, 2023 WI 66, ¶88 (emphasis added); *See also State v. American TV and Appliance of Madison, Inc.* 151 Wis. 2d 175, 186, 443 N.W.2d 662 (1989) (“The situations requiring disqualification under subs. (a) through (f) are objectively measurable.”). Here, Justice Protasiewicz has both a personal and financial interest in this action. As explained *supra*, Part I, Justice Protasiewicz received significant financial support from the Democratic Party during her campaign and, as a result, she is both personally and financially incentivized to make decisions in tandem with Democratic Party interests so that the Democratic Party’s support continues—especially if she decides to run for re-election. These are not trivial incentives, and Justice Protasiewicz’s prior statements on the matter indicate that \$9.9 million—as an objective amount—is large enough that the public would reasonably question her impartiality: “I have been the only person running for this seat who’s been a proponent of a recusal rule. I think that \$2.5 million is obviously a significant amount of money... And I don’t know that the public could really say, ‘Hmm, she’s fair,’ when she’s

received \$2.5 million from a particular entity.”<sup>29</sup> \$9.9 million—the total amount the Democratic Party donated to Justice Protasiewicz’s campaign, according to WisPolitics—is significantly more than the \$2.5 million Justice Protasiewicz referenced in that statement, and her recusal from this case is objectively warranted based on the sheer amount of money that the Democratic Party donated in support of her campaign.<sup>30</sup>

Consistent with her prior statements on this issue, Wisconsin law, and the Code of Judicial Conduct, Justice Protasiewicz should recuse herself from this action.

### CONCLUSION

For all of the reasons explained herein, Justice Protasiewicz should recuse herself from this action.

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<sup>29</sup> Henry Redman, *Protasiewicz says she’d recuse herself from cases involving Democratic Party*, Wis. Examiner (Mar. 1, 2023), <https://wisconsinexaminer.com/brief/protasiewicz-says-shed-recuse-herself-from-cases-involving-democratic-party/>

<sup>30</sup> *See supra*, n.1

Dated: March 1, 2024.

Respectfully submitted,

WISCONSIN INSTITUTE FOR  
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*Electronically signed by Lucas T. Vebber*

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## CERTIFICATION

I hereby certify that this memorandum conforms to the rules contained in Wis. Stat. § 809.81, which governs the form of documents filed in this court where Chapter 809 does not expressly provide for alternate formatting. The length of this memorandum is 3,211 words as calculated by Microsoft Word.

Dated: March 1, 2024.

*Electronically Signed by Lucas T. Vebber*

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