FILED
10-15-2026
Clerk of Circuit Court
Waukesha County
2026CV001822

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

CITIZENS DEFENDING LIBERTY,
1241 North Franklin Place
Milwaukee, WI 53202

Plaintiff,

Declaratory Judgment
Case Code: 30701

v.

TAMMIE DEVOOGHT BLANEY
in her official capacity as Executive Secretary
of the Higher Educational Aids Board
4822 Madison Yards Way
Madison, WI 53705

HIGHER EDUCATIONAL AIDS BOARD
an agency of the State of Wisconsin
4822 Madison Yards Way
Madison, WI 53705

Defendants.

SUMMONS

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 515 West Moreland Boulevard, Waukesha, Wisconsin 53188, and to

the Wisconsin Institute for Law & Liberty, Plaintiff's attorneys, whose address is 1241 North Franklin Place, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: October 15, 2026.

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY

Electronically signed by Rebecca C. Furdek

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COMPLAINT

Plaintiff Citizens Defending Liberty alleges as follows against Defendants:

INTRODUCTION

1. The Medical College of Wisconsin, Inc. ("MCW") receives millions of dollars per year in appropriated funds from the State of Wisconsin. *See* Wis. Stat. § 39.155(1).

2. However, to receive this state funding, the State of Wisconsin mandates that MCW discriminate based on race in its admissions policies.

3. Specifically, to receive state funding, MCW "shall make every effort to ensure that at least 5 percent of the total enrollment of the college consists of minority students." *See* Wis. Stat. § 39.15(1)(c) (hereinafter the "MCW race-based admissions quota").

4. Race discrimination, including through administering and enforcing the MCW race-based admissions quota, is unconstitutional. The Equal Protection Clause of the U.S. Constitution "requires all individuals to be treated equally without regard to one's race, ancestry, origin, or ethnicity." *Rabiebna v. Higher Educ. Aids Bd.*, 2026 WI 20, ¶ 23, 420 Wis. 2d 562, 36 N.W.3d 611.

5. As such, state programs with racial classifications are "odious" and "inherently invidious, regardless of how benign or laudable" they may appear. *Id.* ¶ 24 (citations omitted); *see also Parents Involved in Cmty. Schs. v. Seattle Sch. Dist.* No. 1, 551 U.S. 701, 748 (2007) (Thomas, J., concurring) ("[S]tate entities may not experiment with race-based means to achieve ends they deem socially desirable.").

6. State programs with racial classifications must therefore satisfy each of the rigorous equal-protection standards outlined in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023) ("*SFFA*"), and *Louisiana v. Callais*, 146 S.Ct. 1131 (2026).

7. This is a civil rights action challenging the MCW race-based admissions quota, the total amount of which the Board and its leadership knowingly approve in violation of the U.S. Constitution (hereinafter the "MCW race-based admissions quota").

8. Plaintiff is an association of Wisconsin taxpayers who object to their tax dollars facilitating unconstitutional discrimination. Plaintiff seeks a declaration that the MCW race-based admissions quota violates the U.S. Constitution, a declaration that Wis. Stat. § 39.15(1)(c) authorizing the MCW race-based admissions quota violates the U.S. Constitution, and an injunction preventing all future enforcement of that provision.

PARTIES

9. Plaintiff Citizens Defending Liberty is an unincorporated association of taxpayers organized under the laws of the State of Wisconsin. "In Wisconsin, taxpayers may challenge the illegal expenditures of public funds." *Rabiebna*, 2026 WI 20, ¶ 18. This is because "[a]ny illegal expenditure of public funds . . . results either in the governmental unit having less money to spend for legitimate governmental objectives, or in the levy of additional taxes to make up for the loss resulting from the expenditure." *Id*. (quoting *S.D. Realty Co. v. Sewerage Comm'n of City of Milwaukee*, 15 Wis. 2d 15, 21–23, 112 N.W.2d 177 (1961)).

10. Defendant Tammie DeVooght Blaney is executive secretary of the Board pursuant to Wis. Stat. § 39.29. She is headquartered in Madison, Wisconsin, and is responsible for making policy recommendations to the Board, carrying out policy directives of the Board, as well as initiating and carrying out all administrative direction and responsibilities of the Board, including the Board's review of MCW's

annual documentation used to determine the amount of appropriated funds administered to MCW under Wis. Stat. § 39.15(1). She is sued in her official capacity.

11. Defendant Higher Educational Aids Board (the "Board") is a Wisconsin state agency organized under Subchapter II of Chapter 39 of the Wisconsin Statutes. The Board is headquartered in Madison, Wisconsin, and is responsible for determining the amount of appropriated funds administered to MCW under Wis. Stat. § 39.15(1).

JURISDICTION AND VENUE

12. This is an action for declaratory and injunctive relief under Wis. Stat. §§ 806.04 and 813.01.

13. This Court has jurisdiction pursuant to Wis. Stat. §§ 753.03 and 806.04.

14. This Court has venue pursuant to Wis. Stat. §§ 801.50(2) and 801.50(3)(a).

BACKGROUND

15. The State of Wisconsin appropriates funds to the Medical College of Wisconsin, Inc. ("MCW") for both training health personnel and for research, pursuant to Wis. Stat. § 20.250.

16. State appropriations are substantially funded by Wisconsin taxpayers.

17. MCW received nearly $14 million in appropriated funds in 2026–2027 alone. *See* 2025 Wis. Act 15.

18. State funds are appropriated to MCW based on a per capita formula for an amount for each Wisconsin resident enrolled at MCW who is paying full tuition. *See* Wis. Stat. § 39.155.

19. Each year, MCW submits to the Board for its approval a list of Wisconsin residents. The Board, under the direction of the Executive Secretary, reviews this list and determines whether such students are qualified residents of Wisconsin. The number of qualified residents determines the funds ultimately appropriated to MCW. *See id*.

20. After the Board approves this list and the total amount of funding is determined, the State of Wisconsin makes semiannual payments to MCW accordingly. *See* Wis. Stat. § 39.155(2).

21. However, to receive any such funds at all, MCW must first meet certain conditions. *See* Wis. Stat. § 39.15(1).

22. One such condition provides that MCW "shall make every effort to ensure that at least 5 percent of the total enrollment of the college consists of minority students." *See* Wis. Stat. § 39.15(1)(c).

23. The State of Wisconsin may periodically review whether MCW has complied with Wis. Stat. § 39.15(1)(c). At the discretion of the state auditor or as the joint legislative audit committee directs, the Legislative Audit Bureau "shall postaudit expenditures under s. 20.250 to assure the propriety of expenditures and compliance with legislative intent." Wis. Stat. § 39.15(2).

24. Taken together, Wisconsin taxpayer funds are used towards research and training at MCW—but only if MCW "make[s] every effort to ensure that at least 5 percent of the total enrollment of the college consists of minority students." *See* Wis. Stat. § 39.15(1)(c).

25. Because MCW continues to receive state funds, upon information and belief, MCW is currently complying with Wis. Stat. § 39.15(1)(c).

26. Plaintiff Citizens Defending Liberty is an association whose members have paid, and continue to pay, taxes that fund the appropriations approved by the Board that are provided to MCW.

CAUSE OF ACTION

VIOLATION OF THE FOURTEENTH AMENDMENT (EQUAL PROTECTION CLAUSE)

27. Plaintiff realleges and incorporates all preceding allegations of the Complaint.

28. "At the heart of the Equal Protection Clause is the principle that race-, national origin-, ancestry-, or alienage-based discrimination is unconstitutional except in the most extraordinary instances where such a remedy is required." *Rabiebna*, 2026 WI 20, ¶ 23.

29. In *SFFA*, the U.S. Supreme Court laid out five independent tests that a racial classification must survive to pass such constitutional scrutiny. First, the government must identify one of two compelling governmental interests: "remediating specific, identified instances of past discrimination that violated the

Constitution or a statute" or "avoiding imminent and serious risks to human safety in prisons, such as a race riot." 600 U.S. at 207. Second, the program must be narrowly tailored and cannot rely on "imprecise," "overbroad," or "underinclusive" racial categories. *Id.* at 216–17. Third, race can never be used as a "negative." *Id.* at 218–19. Fourth, race can never be used as a "stereotype." *Id.* at 220–21. And fifth, all race-based programs must have a "logical end point." *Id.* at 221–22.

30. Just this year, in *Callais*, the Supreme Court emphasized two more requirements for a state institution to establish a compelling interest. First, the institution "must identify the specific instances of past discrimination that it aims to remediate, and in light of that specification, must determine the precise scope of the injury it seeks to remedy." 146 S. Ct. at 1153 (citation omitted). "Second, after identifying the specific instance of discrimination, the institution that makes the racial distinction must have a strong basis in evidence to conclude that its remedial action is necessary." *Id.* (citation omitted) (cleaned up).

31. The MCW race-based admissions quota is a policy that discriminates based on race. By requiring that "at least 5 percent" of its total enrollment consists of minority students, MCW necessarily must exclude some otherwise-qualified students from its enrollment total solely because of their race, ethnicity, or national origin.

32. The MCW race-based admissions quota is substantially similar to the race-based grant program that the Wisconsin Supreme Court recently and unanimously declared an unconstitutional violation of the Equal Protection Clause. *See Rabiebna*, 2026 WI 20, ¶ 61.

33. In fact, when the Wisconsin Legislative Audit Bureau (the "Bureau") has analyzed whether MCW is complying with this condition, the Bureau has repeatedly looked to the definition of "minority" student used in Wis. Stat. § 39.44—the exact statute struck down in *Rabiebna*—for guidance.

34. In *Rabiebna*, the Wisconsin Supreme Court applied *SFFA* to recognize that each student "must be treated based on his or her experiences as an individual—not on the basis of race." *See id.* ¶ 23 (quoting *SFFA*, 600 U.S. at 231).

35. Just like the race-based program struck down in *Rabiebna*, the MCW race-based admissions quota specifically groups students based on race for a particular educational benefit, rather than MCW limiting its evaluation to each student's experiences as an individual. *See id.* ¶ 6; *see* Wis. Stat. § 39.15(1)(c).

36. And yet, Defendants have never identified any compelling governmental interest to support this race-based discrimination within the MCW race-based admissions quota.

37. As the Wisconsin Supreme Court recently reaffirmed, the U.S. Supreme Court has only "recognized two compelling interests justifying the governmental use of racial classifications": (1) avoiding race riots in prisons; and (2) "remediating specific identified instances of government-sanctioned discrimination." *See Rabiebna*, 2026 WI 20, ¶ 41.

38. Defendants have not alleged that either such justification applies here.

39. Even if Defendants could point to a compelling governmental interest, though, the MCW race-based admissions quota still is unconstitutional, as it relies

on "imprecise," "overbroad," or "underinclusive" racial categories defining eligible minorities. *See SFFA*, 600 U.S. at 216–17.

40. Furthermore, there is no legal rationale for using race in the MCW race-based admissions quota as a "negative" or a "stereotype," or any explanation why the MCW race-based admissions quota has no "logical end point." *See id.* at 218, 221.

41. Because the MCW race-based admissions quota cannot satisfy one—let alone all five—tests set forth in *SFFA* and *Callais*, it is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

42. Unless the Court declares the race, national origin, and alienage classifications explicit in the MCW race-based admissions quota to be unconstitutional, unlawful, and invalid, Plaintiff will be forced to continue financially supporting this discriminatory program.

REQUEST FOR RELIEF

Plaintiff therefore requests the following relief:

A. A declaration that any race, national origin, and alienage classifications, preferences, or requirements in the MCW race-based admissions quota, including but not limited to those specifically listed herein are unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution;

B. A related declaration that Wis. Stat. § 39.15(1)(c) is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the U.S.

Constitution because it treats students differently based on race, national origin, and alienage;

C. A permanent injunction enjoining Defendants from enforcing any such stated classifications, preferences, or requirements relating to race, national origin, and alienage in the MCW race-based admissions quota;

D. An award of costs, attorney's fees, and any such other relief as the Court deems appropriate.

Dated: October 15, 2026.

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY

Electronically signed by Rebecca C. Furdek

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