

FILED

02-09-2024

CLERK OF WISCONSIN  
SUPREME COURT

# Supreme Court of Wisconsin

No. 2021AP1450-OA

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BILLIE JOHNSON, ERIC O'KEEFE, ED PERKINS AND RONALD ZAHN,

*Petitioners,*

BLACK LEADERS ORGANIZING FOR COMMUNITIES, VOCES DE LA  
FRONTERA, LEAGUE OF WOMEN VOTERS OF WISCONSIN, CINDY FALLONA,  
LAUREN STEPHENSON, REBECCA ALWIN, CONGRESSMAN GLENN  
GROTHMAN, CONGRESSMAN MIKE GALLAGHER, CONGRESSMAN BRYAN  
STEIL, CONGRESSMAN TOM TIFFANY, CONGRESSMAN SCOTT FITZGERALD,  
LISA HUNTER, JACOB ZABEL, JENNIFER OH, JOHN PERSA, GERALDINE  
SCHERTZ, KATHLEEN QUALHEIM, GARY KRENZ, SARAH J. HAMILTON,  
STEPHEN JOSEPH WRIGHT, JEAN-LUC THIFFEAULT, AND SOMESH JHA,

*Intervenors-Petitioners,*

v.

WISCONSIN ELECTIONS COMMISSION, MARGE BOSTELMANN IN HER  
OFFICIAL CAPACITY AS A MEMBER OF THE WISCONSIN ELECTIONS  
COMMISSION, DON MILLIS IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE  
WISCONSIN ELECTIONS COMMISSION, ANN JACOBS IN HER OFFICIAL  
CAPACITY AS A MEMBER OF THE WISCONSIN ELECTIONS COMMISSION,  
CARRIE RIEPL IN HER OFFICIAL CAPACITY AS A MEMBER OF THE WISCONSIN  
ELECTIONS COMMISSION, ROBERT SPINDELL, JR. IN HIS OFFICIAL  
CAPACITY AS A MEMBER OF THE WISCONSIN ELECTIONS COMMISSION, AND  
MARK THOMSEN IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE  
WISCONSIN ELECTIONS COMMISSION,

*Respondents,*

THE WISCONSIN LEGISLATURE, GOVERNOR TONY EVERS, IN HIS OFFICIAL  
CAPACITY, AND DIANNE HESSELBEIN, SENATE DEMOCRATIC MINORITY  
LEADER, ON BEHALF OF THE SENATE DEMOCRATIC CAUCUS,

*Intervenors-Respondents.*

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**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
INTERVENORS-PETITIONERS LISA HUNTER,  
JACOB ZABEL, AND JOHN PERSA'S  
MOTION FOR RELIEF FROM JUDGMENT**

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Under Wis. Stat. § 809.14(2), Intervenor-Petitioners Lisa Hunter, Jacob Zabel, and John Persa move the Court for leave to reply and to file a single, consolidated 9,000-word reply to the three response briefs opposing relief from judgment filed by the Johnson Petitioners, Congressmen, and Legislature (collectively, “Respondents”). A proposed reply is filed herewith. The grounds for the motion are as follows:

- (1) This case concerns a matter of great public concern; namely, whether it is equitable to leave the *Johnson II* congressional map in effect for four future elections where the Court has expressly overruled the redistricting principles that dictated that map’s form.
- (2) Respondents have filed lengthy oppositions to the motion. Those oppositions collectively exceed 25,000 words in length. Hunter Intervenor-Petitioners’ opening memorandum, by contrast, ran less than 6,500 words.
- (3) Respondents raise numerous objections to the motion that Hunter Intervenor-Petitioners did not address and had no affirmative obligation to address in their opening memorandum, including multiple procedural objections to the motion’s invocation of the Wis. Stat. § 806.07 procedure and several arguments that this Court’s exercise of its equitable discretion to revisit its own injunction would somehow violate the U.S. Constitution.

Given the importance of the subject matter, the length of the response briefs, and the benefit to the Court of thorough briefing of all contested issues, good cause exists to grant Hunter Intervenor-Petitioners leave to reply.

Dated: February 9, 2024

By: Electronically signed by  
Diane M. Welsh

Diane M. Welsh,  
State Bar No. 1030940  
PINES BACH LLP  
122 W. Washington Ave,  
Suite 900  
Madison, WI 53703  
Telephone: (608) 251-0101  
Facsimile: (608) 251-2883  
dwelsh@pinesbach.com

Respectfully submitted,

Abha Khanna\*  
ELIAS LAW GROUP LLP  
1700 Seventh Avenue,  
Suite 2100  
Seattle, Washington 98101  
Telephone: (206) 968-4599  
akhanna@elias.law

Jacob D. Shelly\*  
William K. Hancock\*  
Samuel T. Ward-Packard,  
State Bar No. 1128890  
Julie Zuckerbrod\*  
ELIAS LAW GROUP LLP  
250 Massachusetts Ave,  
Suite 400  
Washington, D.C. 20002  
Telephone: (202) 968-4652  
jshelly@elias.law  
whancock@elias.law  
swardpackard@elias.law  
jzuckerbrod@elias.law

*Attorneys for Hunter*  
*Intervenor-Petitioners*

*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I certify that on this 9th day of February, 2024, I caused a copy of this motion to be served upon counsel for each of the parties via e-filing.

Dated: February 9, 2024

By: Electronically signed by  
Diane M. Welsh