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110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

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10-13-2023
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SUPREME COURT

October 13, 2023

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You are hereby notified that court has issued the following order:

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

Pending before the court are three motions to intervene from the following proposed-intervenors: (1) Governor Tony Evers, in his official capacity; (2) Nathan Atkinson, Stephen Joseph Wright, Gary Krenz, Sarah J. Hamilton, Jean-Luc Thiffeault, Somesh Jha, Joanne Kane, and Leah Dudley; and (3) Billie Johnson, Eric O'Keefe, Ed Perkins, Ronald Zahn, Chris Goebel, Robert Jensen, Ruth Elmer, Terry Moulton, Joe Sanfelippo, and Ruth Streck. Each group of proposed-intervenors seeks intervention as a matter of right under Wis. Stat. § 803.09(1), or alternatively, by permission pursuant to Wis. Stat. § 803.09(2).

Intervenor-Respondent Wisconsin Legislature and the Republican Senator Respondents¹ filed a response indicating that they do not oppose any of the intervention motions, but are preserving all arguments and defenses. Petitioners² filed a response indicating that they do not

¹ Senators Rachael Cabral-Guevara, Rob Hutton, Andre Jacque, John Jagler, Jesse L. James, Chris Kapenga, Devin LeMahieu, Howard L. Marklein, Stephen L. Nass, Romaine Robert Quinn, Cory Tomczyk, and Van H. Wanggaard.

² Rebecca Clarke, Ruben Anthony, Terry Dawson, Dana Glasstein, Ann Groves-Lloyd, Carl Hujet, Jerry Iverson, Tia Johnson, Angie Kirst, Selika Lawton, Fabian Maldonado,

Page 2

October 13, 2023

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

oppose the intervention motions filed by Governor Evers or Nathan Atkinson et al. However, Petitioners suggest that this court should deny the intervention motion filed by Billie Johnson et al. and instead allow these proposed intervenors to participate as amici curiae and participate in oral argument.

Having considered all filings,

IT IS ORDERED that all intervention motions are granted;

IT IS FURTHER ORDERED that the caption in the above-matter shall be amended to designate Governor Tony Evers, in his official capacity, and Nathan Atkinson, Stephen Joseph Wright, Gary Krenz, Sarah J. Hamilton, Jean-Luc Thiffeault, Somesh Jha, Joanne Kane, and Leah Dudley as Intervenor-Petitioners;

IT IS FURTHER ORDERED that the caption in the above-matter shall be further amended to designate Billie Johnson, Eric O'Keefe, Ed Perkins, Ronald Zahn, Chris Goebel, Robert Jensen, Ruth Elmer, Terry Moulton, Joe Sanfelippo, and Ruth Streck as Intervenor-Respondents; and

IT IS FURTHER ORDERED that all Wisconsin attorneys participating in this case must each opt in to this case in the appellate court electronic filing system. All Wisconsin attorneys who are not already opted in for this case are hereby ordered to do so as soon as possible and no later than five days from the date of this order.

Samuel A. Christensen
Clerk of Supreme Court

Annemarie McClellan, James McNett, Brittany Muriello, Ela Joosten (Pari) Schils, Nathaniel Slack, Mary Smith-Johnson, Denise (Dee) Sweet, and Gabrielle Young.

Page 3

October 13, 2023

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

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October 13, 2023

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

Daniel J. Schneider
2707 W. Augusta Blvd., Unit 2
Chicago, IL 60622

Anthony D. Russomanno
Brian P. Keenan
Faye B. Hipsman
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857

Mel Barnes
Office of Governor Tony Evers
Post Office Box 7863
Madison, Wisconsin 53707-7863

Sarah A. Zylstra
Tanner G. Jean-Louis
Boardman Clark LLP
1 South Pinckney Street, Suite 410
Madison, WI 53701

Jessica Amunson
Sam Hirsch
Arjun Ramamurti
Elizabeth Deutsch
Jenner and Clock LLP
1099 New York Ave., NW,
Washington, D.C. 20001

Richard M. Esenberg
Luke N. Berg
Nathalie E. Burmeister
Wisconsin Institute For Law & Liberty, Inc.
330 E. Kilbourn Ave., Ste. 725
Milwaukee, WI 53202