

FILED
01-22-2025
CLERK OF WISCONSIN
SUPREME COURT

No. 2024AP330-OA

In the
Supreme Court of Wisconsin

PLANNED PARENTHOOD OF WISCONSIN, ON BEHALF OF ITSELF, ITS
EMPLOYEES, AND ITS PATIENTS, KATHY KING, M.D., ALLISON
LINTON, M.D., M.P.H., ON BEHALF OF THEMSELVES AND THEIR
PATIENTS, MARIA L., JENNIFER S., LESLIE K., AND
ANAIS L.,
PETITIONERS,

v.

JOEL URMANSKI, IN HIS OFFICIAL CAPACITY AS DISTRICT
ATTORNEY FOR SHEBOYGAN COUNTY, WISCONSIN, ISMAEL R. OZANNE,
IN HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR DANE
COUNTY, WISCONSIN AND JOHN T. CHISHOLM, IN HIS OFFICIAL
CAPACITY AS DISTRICT ATTORNEY FOR MILWAUKEE COUNTY
WISCONSIN,
RESPONDENTS.

Original Action

**JOINT MOTION OF PROPOSED INTERVENOR-RESPONDENT
JEROME E. LISTECKI AND NON-PARTY JEFFREY GROB, AS
ROMAN CATHOLIC ARCHBISHOP OF MILWAUKEE, ON BEHALF
OF HIMSELF AND THE UNBORN OF THE ARCHDIOCESE OF
MILWAUKEE, FOR SUBSTITUTION OR INTERVENTION**

Proposed Intervenor-Respondent Jerome E. Listecky and Non-
Party Jeffrey Grob, as Roman Catholic Archbishop of Milwaukee, on
behalf of himself and the unborn of the Archdiocese of Milwaukee,

respectfully move this Court pursuant to Wis. Stat. §§ 809.63, 809.84, 803.10, 809.13, and 803.09 to permit Archbishop Grob to substitute in the action for Archbishop Emeritus ListECKi or, in the alternate, to intervene.

The grounds for this petition are as follows:

1. On July 15, 2024, then-Archbishop Jerome ListECKi filed a petition to intervene in this action. That petition was fully briefed in July and August 2024.

2. On January 14, 2025, Archbishop Jeffrey Grob succeeded Archbishop Emeritus Jerome ListECKi as Archbishop of the Archdiocese of Milwaukee. Grob Aff. ¶6.

3. Under Wis. Stat. § 803.10 (made applicable via §§ 809.63 and/or 809.84), “[i]n case of any transfer of interest, the action may be continued by or against the original party unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party.”

4. Archbishop Emeritus ListECKi expressly intervened in his capacity as Archbishop of the Archdiocese of Milwaukee and his arguments pertain to that office.

5. As Archbishop Grob’s affidavit (accompanying this motion) shows, Archbishop Grob fully succeeds Archbishop Emeritus ListECKi in

title, authority, and obligation. Grob Aff. ¶8. As the occupant of the same position previously held by Archbishop Emeritus Listecky, in the same Church, Archbishop Grob shares Archbishop Emeritus Listecky's understanding of the rights and duties of diocesan bishops in general and of the Archbishop of Milwaukee in particular; of the teaching of the Catholic Church on human life and abortion; and of how this case impacts his constitutional rights and his relationship with the unborn of the Archdiocese. *See* Grob Aff. ¶¶9-44.

6. Substitution is therefore appropriate and will not delay or prejudice this case in any way.

7. Alternately, this Court should construe this motion as a Petition to Intervene filed by Archbishop Grob which incorporates by reference the facts and argument in Archbishop Emeritus Listecky's Petition to Intervene and reply. The analysis as to the intervention factors would change only as to timeliness, and this Petition is timely because Archbishop Grob acted promptly upon succeeding to Archbishop Emeritus Listecky's interest, filing just about one week later, and because no prejudice to the parties can occur where all have long been aware the Archbishop of Milwaukee desires intervention in this suit.

8. For the foregoing reasons, Archbishop Emeritus Listecky and Archbishop Grob respectfully request that this Court permit Archbishop

Grob to substitute in the action for Archbishop Emeritus ListECKi or, in the alternate, to intervene in his stead.¹

Dated: January 22, 2025

WISCONSIN APPELLATE
LITIGATION SERVICES LLC

Electronically signed by

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Attorney for Proposed Intervenor-Respondent Jerome E. ListECKi and Non-Party Jeffrey Grob, as Roman Catholic Archbishop of Milwaukee, on behalf of himself and the unborn of the Archdiocese of Milwaukee

¹ Archbishop Grob and Archbishop Emeritus ListECKi assume and recognize that this motion will be decided in conjunction with Archbishop Emeritus ListECKi's Petition to Intervene.