

FILED
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CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

Case No. 2024AP0729-OA

JEFFERY A. LEMIEUX and DAVID T. DEVALK,

Petitioners,

v.

TONY EVERS, Governor of Wisconsin,
SARAH GODLEWSKI, Secretary of State of
Wisconsin and JILL UNDERLY, Wisconsin
State Superintendent of Public Instruction,

Respondents.

**RESPONDENTS' MOTION
TO RESET BRIEFING SCHEDULE**

1. On June 17, 2024, the Court entered an order in this case setting the following briefing schedule: (1) Petitioners' opening brief due July 17, 2024; (2) Respondents' brief due August 6, 2024 (assuming Petitioners file on July 17); and (3) Petitioners' reply brief due August 20, 2024 (assuming Respondents file on August 6).

2. For the reasons described below, Respondents respectfully request the Court reset the briefing schedule to the following: (1) Petitioners' opening brief due July 24, 2024;

(2) Respondents' response brief due September 3, 2024; and

(3) Petitioners' reply brief due September 17, 2024.

3. During the original time set for Respondents' brief, Respondents' lead counsel has pre-planned vacations scheduled for July 25–29 and August 3–11.

4. Respondents' lead counsel also has primary responsibility for drafting several other significant briefs during late July and August:

- A summary judgment sur-reply brief due July 26, 2024, in *Wisconsin Legislature v. DPI, et al.*, No. 24CV1127 (Wis. Cir. Ct. Dane Cnty.);
- An appellate response brief due August 14, 2024, in *Sidney v. WEC*, No. 24AP190 (Wis. Ct. App.);
- An appellate reply brief due September 3, 2024, in *StubHub Inc. v. DOR*, No. 24AP455 (Wis. Ct. App.).

5. Respondents have not requested any prior extensions in this matter.

6. Petitioners' counsel has authorized Respondents to state that Petitioners do not oppose this motion.

For the foregoing reasons, Respondents respectfully request that the Court set the following briefing schedule:

- Petitioners' opening brief due July 24, 2024;
 - Respondents' response brief due September 3, 2024;
- and
- Petitioners' reply brief due September 17, 2024.

Dated this 1st day of July 2024.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

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COLIN T. ROTH
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CERTIFICATE OF EFILE/SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this document with the clerk of court using the Wisconsin State Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 1st day of July 2024.

Electronically signed by:

Colin T. Roth

COLIN T. ROTH

Assistant Attorney General