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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,

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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.

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