



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

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September 24, 2024

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\*Distribution List Continued on Pages 3-5.

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

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

In our December 22, 2023 decision, this court enjoined the "Elections Commission from using [the prior] legislative maps in all future elections" because the maps violated the Wisconsin Constitution. Clarke v. WEC, 2023 WI 79, ¶56, 410 Wis. 2d 1, 998 N.W.2d 370. We stated, however, that "[s]hould the legislative process produce a map that remedies the contiguity issues discussed above, there would be no need for this court to adopt remedial maps." Id., ¶57. The Legislature subsequently passed and the Governor signed what became 2023 Wisconsin Act 94, enacting new state legislative district maps.

The enactment of 2023 Wis. Act 94 has rendered moot petitioners' request that this court adopt new remedial legislative district maps. Accordingly, the court will grant a motion to dismiss that was filed on March 11, 2024, by the Wisconsin Legislature and the Republican Senator Respondents.<sup>1</sup> The court will also dismiss as moot a pending motion for reconsideration of the December 22, 2023 post-decision scheduling order filed by the Wisconsin Legislature and the Republican Senator Respondents, as well as a pending motion to subpoena Dr. Grofman and

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<sup>1</sup> The Republican Senator Respondents are Rachael Cabral-Guevara, Rob Hutton, Andre Jacque, John Jagler, Jesse James, Chris Kapenga, Devin LeMahieu, Howard Marklein, Stephen Nass, Romaine Robert Quinn, Cory Tomczyk, and Van Wangaard.

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Dr. Cervas, the court's consultants, or to strike their February 1, 2024 report, which was filed by the Wisconsin Legislature, the Republican Senator Respondents, and the Johnson Intervenors-Respondents.<sup>2</sup> The dismissal of these pending motions and the remaining requests for relief in the original action petition will close this action. Accordingly,

IT IS ORDERED that the March 11, 2024 motion to dismiss this case is granted, and this action is hereby dismissed as moot; and

IT IS FURTHER ORDERED that the January 22, 2024 motion for reconsideration and the February 8, 2024 motion to subpoena Dr. Grofman and Dr. Cervas or to strike their February 1, 2024 report are dismissed as moot.

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Samuel A. Christensen  
Clerk of Supreme Court

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<sup>2</sup> The Johnson Intervenors-Respondents are Billie Johnson, Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfilippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer, and Ruth Streck.

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Nathalie E. Burmeister  
Electronic Notice

C'Zar Bernstein  
Electronic Notice

Anthony D. Russomanno  
Electronic Notice

Tony Wilkin Gibart  
Adam Voskuil  
Daniel P. Gustafson  
Midwest Environmental Advocates  
634 W. Main St. Suite 201  
Madison, WI 53703

Brian P. Keenan  
Electronic Notice

Faye B. Hipsman  
Electronic Notice

Robert Yablon  
Bryna Godar  
State Democracy Research Initiative  
University of Wisconsin Law School  
975 Bascom Mall  
Madison, WI 53706

Mel Barnes  
Electronic Notice

Sarah A. Zylstra  
Electronic Notice

Matthew W. O'Neill  
Fox, O'Neill & Shannon, S.C.  
622 North Water Street  
Milwaukee, WI 53202

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Electronic Notice

Dax L. Goldstein  
Electronic Notice

Margo S. Kirchner  
Wisconsin Justice Initiative, Inc.  
P.O. Box 100705  
Milwaukee, WI 53210

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John B. Hill  
Electronic Notice

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

Jessica Amunson  
Electronic Notice

Nathan J. Kane  
WMC Litigation Center  
501 East Washington Avenue  
Madison, Wisconsin 53703

Sam Hirsch  
Electronic Notice

Arjun Ramamurti  
Electronic Notice

Samuel T. Ward-Packard  
Elias Law Group LLP  
250 Mass. Ave. NW, Suite 400  
Washington, D.C. 20001

Elizabeth Deutsch  
Electronic Notice

Michael R. Ortega  
Electronic Notice

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Nicholas E. Fairweather  
Hawks Quindel S.C.  
409 E Main Street  
Madison, WI 53703

Abha Khanna  
Elias Law Group LLP  
1700 Seventh Ave., Suite 2100  
Seattle, WA 98101

William K. Hancock  
Julie Zuckerbrod  
Elias Law Group LLP  
250 Mass. Ave. NW, Suite 400  
Washington, D.C. 20001

Jonathan B. Miller  
Michael Adame  
Public Rights Project  
490 43rd Street, #115  
Oakland, CA 94609

Prof. Jonathan Cervas  
Carnegie Mellon Institute for Strategy and  
Technology  
5000 Forbes Ave.  
Pittsburgh, PA 15213

Prof. Bernard Grofman  
UC Irvine School of Social Sciences  
5229 Social Science Plaza B  
Irvine, CA 92697

Dixon R. Gahnz  
Lawton Cates, S.C.  
P.O. Box 2965  
Madison, WI 53703

Barry J. Blonien  
David M. Oppenheim  
Bock Hatch & Oppenheim, LLC  
203 N. LaSalle St., Ste. 2100  
Chicago, IL 60601