

Wisconsin Supreme Court and Court of Appeals Case Access

Wisconsin Prosperity Network v. Gordon Myse

Appeal Number 2010AP001937 - OA

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	04-24-2012		Remittitur
Comment: CLOSED				
OCCD	SC	03-19-2012		Cites
810 N.W.2d 356				
OCCD	SC	03-19-2012		Cites
339 Wis. 2d 243				
OCCD	SC	03-19-2012		Opinion/Decision
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman				
Opinion: Per Curiam				
Decision: Dismissed Pages: 3				
Abrahamson, Shirley S. Wrote Concurring Opinion 1 pages.				
Order Text: Accordingly, the original action pending before this court is dismissed and the August 13, 2012 order enjoining the respondents from enforcing the July 31, 2010 amendments to Wis. Admin. Code GAB 1.28 is vacated.				
Justice DAVID T. PROSSER, JR., withdrew from participation.				
OCCD	SC	03-16-2012		Public Domain Citation
Comment: PDC No: 2012 WI 27				
OCCD	SC	10-18-2011		Attorney Change
Comment: Notification from Troupis Law Office of Address Change				
OCCD	SC	09-06-2011		Oral Argument
Comment: at 1:30 p.m. Richard M. Esenberg atty for Pet; Thomas Bellavia atty for Resp; Matthew W. O'Neill atty for Interv-Resp				
OCCD	SC	09-02-2011		Motion for Miscellaneous Relief
Filed By: Ben Manski				
Submit Date: 9-2-2011				
Decision: (G) Grant				

Decision Date: 9-2-2011

ORD that the motion is granted and Attorney Jonathan Rosenblum is substituted as counsel for the Center for Media and Democracy.

Prosser, J., did not participate

Comment: Motion for Substitution of Counsel

OCCD	SC	09-02-2011	Response
Comment: State Respondents' Sur-Reply Memorandum regarding the Court's Inquiry of 8/18/11 by AAG T. Bellavia			

OCCD	SC	09-02-2011	Letter/Correspondence
Comment: From J. Prosser Jr. advising that he will not participate in oral arguments or decision in Wisconsin Prosperity Network v. Myse.			

OCCD	SC	08-30-2011	Court Order
ORD that the oral argument in this matter shall proceed on September 6, 2011, at 1:30 p.m., as previously scheduled. Counsel shall be prepared to respond at oral argument to questions regarding the issues raised by the court's August 18, 2011 order, as well as all other issues in this case.			
FRO that the motion of the respondents for leave to file a surreply is granted in part. The respondents and the intervenors-respondents may each file a short surreply responding to the arguments made in the petitioners reply memorandum of August 29, 2011, no later than 5:00 p.m. on Friday, September 2, 2011.			
Prosser, J. did not participate.			

OCCD	SC	08-29-2011	Certificate of Service
Comment: Atty. J. Troupis			

OCCD	SC	08-29-2011	Response
Comment: Response and Supplemental Reply from Atty. James Troupis to 8/25/11			

OCCD	SC	08-29-2011	Response
Comment: WEAC & Mary Bell's Reply to 8/25/11 responses			

OCCD	SC	08-29-2011	Response
Comment: State's Reply to 8/25/11 responses; letter of correction rec'd 8/29/11			

OCCD	SC	08-26-2011	Additional Authorities
Comment: filed by WEAC & Mary Bell Additional Authorities			

OCCD	SC	08-25-2011	Response
Comment: Petitioner's Response to 8/18/11 CTO			

OCCD	SC	08-25-2011	Response
Comment: State's Response to 8/18/11 CTO			

OCCD	SC	08-25-2011	Response
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OCCD SC 08-23-2011 Motion for Miscellaneous Relief

Filed By: 23280 (O'Neill, Matthew)
Submit Date: 8-23-2011
Decision: (O) Other
Decision Date: 3-19-2012
Per Curiam 3/19/12
Motion Response
Filed By: James Troupis
Submit Date: 8-30-2011
Motion Response
Filed By: 23280 (O'Neill, Matthew)
Submit Date: 8-30-2011
Comment: Motion for Disqualification

OCCD SC 08-18-2011 Court Order

ORD that on or before 8/25/11, the parties shall file simultaneous memor addrg the foll issues: 1. The stat of Emergency Rule 1016 that created Wis. Admin. Code GAB 1.91, incl (a) whether the emerg rule is in eff or has exp; (b) if it has not exp, when it will exp; and (c) whether it can be ext further or adpt anew; 2. The impact of the stat of Emerg Rule 1016 and of the actual or potential exp of that emerg rule on the iss in this case; 3.The statof the prop final rule creating WAC GAB 1.91, the imp of that stat on the iss in this case, and the imp of the various potl outcomes for the prop final rule on the iss in this case; 4.The stat of Emerg Rule 1049 deleting the 2nd sent of WAC GAB 1.28(3)(b), incl whether Emerg Rule 1049 can be ext for a further period of time; 5.The impact of the stat of Emerg Rule 1049 and of the potential expiration of that emerg rule on the iss in this case; 6. The stat of the prop final rule that deletes the 2nd sent of WAC GAB 1.28(3)(b), the impact of that stat on the iss in this case, and the impact of the various potential outcomes for that proposed final rule on the iss in this case; 7.The stat of Assy Bill 196 and the impact on the iss in this case if that bill were to become law or were not to become law; 8.The stat of Sen Bill 139 and the impact on the iss in this case if that bill were to become law or were not to become law; 9. Whether, in light of the dev reg the emerg and prop final rules reg WAC GAB 1.28(3)(b) and GAB 1.91, as well as the intro of Assy Bill 196 and Sen Bill 139, oral arg in this matter should be ppd, and if so, for how long;10. What is curr the eff, if any, on WAC GAB 1.28 of the temp inj iss by this court on 8/13/10; are the std for iss a temp inj still met; and should the inj be lifted at this time? FRO that on or before 8/29/11, the parties may file resp to the supp memo filed by the other parties.
PROSSER. J. did not participate in the order.

OCCD SC 07-15-2011 Briefs Received At State Law Library
Comment: No Appendix to Brief of Petitioner filed

OCCD SC 06-29-2011 Assigned-Oral Argument

OCCD SC 03-10-2011 Brief of Amicus Curiae
[Brief of Amicus Curiae-Competitive Politics](#)
Filed By: Ben Manski
Comment: Center for Media and Democracy

OCCD SC 03-10-2011 Brief of Amicus Curiae
[Brief of Amicus Curiae- Center for Media](#)
Filed By: Edwin Hughes

OCCD SC 03-10-2011 Brief of Amicus Curiae
[Brief of Amicus Curiae-Brennan Center](#)
Filed By: Mitchell Olson
Comment: Center for Competitive Politics

OCCD SC 03-10-2011 Brief of Amicus Curiae
[Brief of Amicus Curiae- Institute For Justice](#)
Filed By: Lee McGrath
Comment: Institute for Justice

OCCD SC 03-09-2011 E-Filing Certification
Comment: BRY

OCCD SC 03-09-2011 Certificate of Service
Comment: BRY

OCCD SC 03-09-2011 Motion to File Amicus/Non-Party Brief
Filed By: Lee McGrath
Submit Date: 3-9-2011
Decision: (G) Grant
Decision Date: 3-10-2011
ORD that the motions of CMD for leave to file non-party brief amicus curiae and to exceed the length limit are granted and the brief is accepted for filing; and
FRO that the motions of CCP, the Brennan Center, and IJfor leave to file non-party briefs amicus curiae are granted and their briefs are accepted for filing; and
FRO that the motion for admission of Attorneys J. Adam Skaggs, Mark Ladov, and Mimi Marziani pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's copy of this order.

OCCD SC 03-08-2011 Motion to File Amicus/Non-Party Brief
Filed By: Ben Manski
Submit Date: 3-8-2011
Decision: (G) Grant
Decision Date: 3-10-2011
ORD that the motions of CMD for leave to file non-party brief amicus curiae and to exceed the length limit are granted and the brief is accepted for filing; and
FRO that the motions of CCP, the Brennan Center, and IJfor leave to file non-party briefs amicus curiae are granted and their briefs are accepted for filing; and
FRO that the motion for admission of Attorneys J. Adam Skaggs, Mark Ladov, and Mimi Marziani pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's copy of this order.
Comment: and motion to extend page limit

OCCD SC 03-08-2011 Motion for Pro Hac Vice status
Filed By: Edwin Hughes
Submit Date: 3-8-2011
Decision: (G) Grant
Decision Date: 3-10-2011

ORD that the motions of CMD for leave to file non-party brief amicus curiae and to exceed the length limit are granted and the brief is accepted for filing; and
FRO that the motions of CCP, the Brennan Center, and IJfor leave to file non-party briefs amicus curiae are granted and their briefs are accepted for filing; and
FRO that the motion for admission of Attorneys J. Adam Skaggs, Mark Ladov, and Mimi Marziani pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's copy of this order.

OCCD SC 03-08-2011 Motion to File Amicus/Non-Party Brief
Filed By: Edwin Hughes
Submit Date: 3-8-2011
Decision: (G) Grant
Decision Date: 3-10-2011
ORD that the motions of CMD for leave to file non-party brief amicus curiae and to exceed the length limit are granted and the brief is accepted for filing; and
FRO that the motions of CCP, the Brennan Center, and IJfor leave to file non-party briefs amicus curiae are granted and their briefs are accepted for filing; and
FRO that the motion for admission of Attorneys J. Adam Skaggs, Mark Ladov, and Mimi Marziani pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's copy of this order.

OCCD SC 03-08-2011 Motion to File Amicus/Non-Party Brief
Filed By: Mitchell Olson
Submit Date: 3-8-2011
Decision: (G) Grant
Decision Date: 3-10-2011
ORD that the motions of CMD for leave to file non-party brief amicus curiae and to exceed the length limit are granted and the brief is accepted for filing; and
FRO that the motions of CCP, the Brennan Center, and IJfor leave to file non-party briefs amicus curiae are granted and their briefs are accepted for filing; and
FRO that the motion for admission of Attorneys J. Adam Skaggs, Mark Ladov, and Mimi Marziani pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's copy of this order.

OCCD SC 03-08-2011 Motion for Miscellaneous Relief
Filed By: James Troupis
Submit Date: 3-8-2011
Decision: (G) Grant
Decision Date: 3-9-2011
ORD that the motion is granted. Petitioners' reply brief is accepted for filing as of March 8, 2011.
Comment: Extend page limits on BRY

OCCD SC 03-08-2011 Reply Brief
[Reply Brief](#)
Filed By: James Troupis

OCCD SC 02-28-2011 No Brief to Be Filed
Comment: Statement from Joseph Vanderhulst (WRTL)

OCCD SC 02-28-2011 Certificate of Filing by Mail
Comment: For BRS file 2/28/11.

OCCD SC	02-25-2011	Motion for Miscellaneous Relief
Filed By: James Troupis Submit Date: 2-25-2011 Decision: (G) Grant Decision Date: 2-28-2011 ORD that the motion is granted. Petitioners' reply brief shall be served and filed on or before March 8, 2011. Comment: MXT to File Reply Brief		
OCCD SC	02-23-2011	Motion for Miscellaneous Relief
Filed By: Thomas Bellavia Submit Date: 2-23-2011 Decision: (G) Grant Decision Date: 2-24-2011 ORD that the motion is granted. Respondent's brief is accepted for filing as of February 23, 2011. Comment: Motion for leave to exceed length limit		
OCCD SC	02-23-2011	Brief of Respondent(s) Brief of Respondent(s)
Filed By: Thomas Bellavia		
OCCD SC	02-22-2011	Brief of Respondent(s) Brief of Respondent(s)-WEAC Appendix to Brief of Respondent(s)-WEAC
Comment: WEAC		
OCCD SC	02-15-2011	Certificate of Service
Comment: Injunction Motion Response		
OCCD SC	02-10-2011	Motion to Extend Time
Filed By: Thomas Bellavia Submit Date: 2-10-2011 Decision: (G) Grant Decision Date: 2-11-2011 ORD that the motion is granted. Respondents' response briefs shall be served and filed on or before February 23, 2011. See BRS event due on 2-22-2011		
OCCD SC	02-09-2011	Attorney Change
Comment: address updated for Attorney Michael Dean		
OCCD SC	02-04-2011	Motion for Miscellaneous Relief
Filed By: (O'Neill, Matthew) Submit Date: 2-4-2011 Decision: (D) Deny Decision Date: 3-2-2011 ORD that the portion of the motion to lift the temporary injunction is denied. FRO that portion of the motion to schedule oral argument for the current term is denied.		

Abrahamson, C.J., and Bradley, J., dissent.

Motion Response

Filed By: James Troupis

Submit Date: 2-15-2011

Motion Response

Filed By: (O'Neill, Matthew)

Submit Date: 2-16-2011

Comment: motion to lift injunction or in the alternative to schedule oral argument for this term

OCCD SC 01-28-2011

Motion for Miscellaneous Relief

Filed By: Thomas Bellavia

Submit Date: 1-28-2011

Decision: (G) Grant

Decision Date: 1-31-2011

ORD that the motion is granted. Respondents' and intervening respondents' response briefs shall be served and filed on or before February 22, 2011; FRO that petitioners shall file a reply brief or a statement that no such brief will be filed on or before March 4, 2011.

Comment: Extend Briefing Deadlines

OCCD SC 01-11-2011

Court Order

IT IS ORDERED that the petitioners motion to extend the time to file their opening brief is granted in part. Petitioners opening brief shall be filed on or before January 11, 2011. The respondents and WEAC shall file their responsive briefs on or before February 7, 2011; and on or before February 17, 2011, the petitioners shall file either their reply brief or a statement that no such brief will be filed. No further extensions of time for filing briefs will be granted to the petitioners.

IT IS FURTHER ORDERED that the petitioners motion to adjourn the oral argument date is granted. Oral argument in this matter will be placed upon the courts September 2011 oral argument calendar. The parties will be notified of the precise date and time of oral argument when the court establishes its September 2011 oral argument calendar.

OCCD SC 01-11-2011

Brief of Petitioner(s)

Filed By: James Troupis

OCCD SC 12-21-2010

Motion to Extend Time

Filed By: James Troupis

Submit Date: 12-22-2010

Decision: (G) Grant

Decision Date: 1-11-2011

ORD that the petitioners' motion to extend time to file their opening brief is granted in part. Petitioners' opening brief shall be filed on or before January 11, 2011. The respondents and WEAC shall file their responsive briefs on or before February 7, 2011; and on or before february 17, 2011, the petitioners shall either file their reply brief or a statement that no such brief will be filed. No further extensions of time for filing briefs will be granted to the petitioners.

FRO that petitioners' motion to adjourn the oral argument date is granted. Oral argument in this matter will be placed upon the court's September 2011 oral argument schedule. The parties will be notified of the precise date and time of oral argument when the court establishes its September 2011 oral argument calendar.

OCCD SC 12-15-2010

Response

OCCD SC	11-30-2010	Caption Amended
OCCD SC	10-27-2010	Response
OCCD SC	10-22-2010	Motion to Intervene
<p>Filed By: (O'Neill, Matthew)</p> <p>Submit Date: 10-22-2010</p> <p>Decision: (G) Grant</p> <p>Decision Date: 11-30-2010</p> <p>ORD that the petition for leave to commence and original action is granted and this court assumes jurisdiction over this action.</p> <p>FRO that the motion of WEAC to intervene is granted and WEAC's answer to the October 8, 2010, complaint for declaratory and injunctive relief and supplemental petition for original jurisdiction is accepted for filing.</p> <p>FRO that WEAC shall serve and file a response to the joint statement of petitioners and respondents filed on October 27, 2010, within 15 days of the date of this order.</p> <p>FRO that within 35 days of the date of this order the petitioners shall file a brief in this case; that within 25 days thereafter the respondents and WEAC shall file their responsive briefs; and that within 10 days thereafter the petitioners shall file either reply brief or a statement that no such brief will be filed.</p> <p>FRO that this matter will be set for oral argument at 9:45 a.m on March 9, 2010.</p>		
OCCD SC	10-22-2010	Response
OCCD SC	10-08-2010	Response
OCCD SC	09-20-2010	Additional Authorities
OCCD SC	09-10-2010	Motion for Pro Hac Vice status
<p>Filed By: James Troupis</p> <p>Submit Date: 9-10-2010</p> <p>Decision: (G) Grant</p> <p>Decision Date: 9-24-2010</p> <p>IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and</p> <p>IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and</p> <p>IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A. Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and</p> <p>IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and</p> <p>IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in</p>		

dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and
IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and
IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC	09-07-2010	Attorney Change
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OCCD SC	09-07-2010	Response
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OCCD SC	09-02-2010	Motion for Pro Hac Vice status
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Filed By: Kirby Brant

Submit Date: 9-2-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.

Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T.

Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for

attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and

IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and

IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC	08-27-2010	Motion to File Amicus/Non-Party Brief
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Filed By: Kirby Brant

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.

Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC 08-27-2010

Motion to File Amicus/Non-Party Brief

Filed By: Lee McGrath

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A. Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC 08-27-2010

Motion for Pro Hac Vice status

Filed By: Anthony Sanders

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.

Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and

IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and

IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC 08-27-2010

Motion for Pro Hac Vice status

Filed By: Jason Adkins

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IIT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.

Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact

exist, the parties shall state each dispute of fact in numbered paragraph form; and
IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010,
shall remain in effect pending further order of this court; and
IT IS FURTHER ORDERED that the petition for leave to commence an original action
remains under advisement.

OCCD SC 08-27-2010

Motion to File Amicus/Non-Party Brief

Filed By: Mitchell Olson
Submit Date: 8-27-2010
Decision: (G) Grant
Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in
support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted
for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby
Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.
Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T.

Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for
attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners
shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph
form, which identifies with specificity each separate provision in amended Wis. Admin. Code
GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal
theory and authority supporting each such claim. It shall not be sufficient merely to state
generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or
exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve
and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to
the supplemental petition/complaint, the parties shall file a joint statement, separately
identifying: (1) any claims set forth in the supplemental petition/complaint that are not in
dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact
exist, the parties shall state each dispute of fact in numbered paragraph form; and

IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010,
shall remain in effect pending further order of this court; and

IT IS FURTHER ORDERED that the petition for leave to commence an original action
remains under advisement.

OCCD SC 08-27-2010

Motion to File Amicus/Non-Party Brief

Filed By: Kirby Brant
Submit Date: 8-27-2010
Decision: (G) Grant
Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in
support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted
for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby
Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A.

Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T.
Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for
attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners
shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph
form, which identifies with specificity each separate provision in amended Wis. Admin. Code

GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and
IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and
IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and
IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC 08-27-2010

Motion for Pro Hac Vice status

Filed By: Randy Elf

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A. Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and
IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately
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identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and

IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and

IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC 08-27-2010

Motion for Pro Hac Vice status

Filed By: Joseph Vanderhulst

Submit Date: 8-27-2010

Decision: (G) Grant

Decision Date: 9-24-2010

IT IS ORDERED that the motions for leave to file non-party brief amicus curiae in support of petitioners are granted and the briefs of WRTL, CCP, Heartland, and IJ are accepted for filing; and

IT IS FURTHER ORDERED that the motion of Heartland to substitute Attorney Kirby Brant as counsel of record for Heartland is granted; and

IT IS FURTHER ORDERED that the motions for admission of Attorneys Jason A. Adkins, Anthony B. Sanders, Randy Elf, Joseph A. Vanderhulst, Maureen Martin and Christ T. Troupis pro hac vice are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to each moving party's copy of this order; and

IT IS FURTHER ORDERED that within 14 days of the date of this order, the petitioners shall serve and file a supplemental petition in the form of a complaint, in numbered paragraph form, which identifies with specificity each separate provision in amended Wis. Admin. Code GAB 1.28 that the petitioners claim is unconstitutional/unenforceable, and sets forth the legal theory and authority supporting each such claim. It shall not be sufficient merely to state generally that a particular section of Wis. Admin. Code GAB 1.28 is unconstitutional or exceeds the authority granted to the GAB. Within 14 days thereafter, the respondents shall serve and file an answer to the supplemental petition/complaint; and

IT IS FURTHER ORDERED that within 7 days after the respondents file their answer to the supplemental petition/complaint, the parties shall file a joint statement, separately identifying: (1) any claims set forth in the supplemental petition/complaint that are not in dispute; and (2) whether any genuine disputes of material fact exist. If disputes of material fact exist, the parties shall state each dispute of fact in numbered paragraph form; and

IT IS FURTHER ORDERED that the temporary injunction, issued on August 13, 2010, shall remain in effect pending further order of this court; and

IT IS FURTHER ORDERED that the petition for leave to commence an original action remains under advisement.

OCCD SC	08-27-2010	Response
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OCCD SC	08-19-2010	Motion to Extend Time
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Filed By: Thomas Bellavia

Submit Date: 8-19-2010

Decision: (G) Grant

Decision Date: 8-20-2010

ORD that the motion is granted. Respondent's response shall be served and filed on or before August 27, 2010.

FRO that the petitioner's may file a reply on or before 12:00 p.m. on September 7, 2010. The court notes that this represents an expansion of the briefing time originally allotted for filing a reply although it is slightly less than the amount of time requested by the petitioners.

ABRAHAMSON, C.J., dissents and would give both parties the extended time they requested.

See RSP event due on 8-27-2010

OCCD SC	08-13-2010	Court Order
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ORD that to preserve the status quo, the respondents are enjoined from enforcing the amendments to Wis. Admin. Code sec. GAB 1.28 published on July 31, 2010, pending further order of this court.

FRO that the respondents shall file a response to the petition for original action on or before August 20, 2010. The response shall include a discussion of whether the respondents contend that there are disputed issues of material fact. FRO that the petitioners may file a reply on or before August 25, 2010.

Prosser, J., concurring, joined by Gableman, J.

Bradley, J., dissenting, joined by Abrahamson, C.J. and Crooks, J.

OCCD SC	08-11-2010	Response
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OCCD SC	08-11-2010	Response
OCCD SC	08-11-2010	Response
OCCD SC	08-11-2010	Attorney Change
OCCD SC	08-11-2010	Response
OCCD SC	08-10-2010	Court Order
<p>ORD that the respondents, Gordon Myse, Thomas Barland, Michael Brennan, Thomas Cane, Gerald C. Nichol, David Deininger, and Kevin Kennedy, each in their respective official capacities as officers, members, counsel or employee of the Wisconsin Government Accountability Board, shall file a responsive memorandum with the clerk of this court by 5:00 p.m. on Wednesday, August 11, 2010. A single, joint responsive memorandum on behalf of all of the respondents in their official capacities shall be permitted and is encouraged. The responsive memorandum shall address the petitioners' request for temporary injunctive relief temporarily enjoining the enforcement of Wis. Admin. Code GAB 1.28, including the criteria for granting such temporary injunctive relief, the impact of the fact that other actions regarding this same matter have apparently been filed in federal district court, and any other reasons opposing the granting of temporary injunctive relief to the petitioners. A separate order will be issued at a future date establishing a deadline for the respondents to file a response concerning whether the court should grant the petitioners' petition for leave to commence an original action. FRO that by 5:00 p.m. on Wednesday, August 11, 2010, the petitioners shall file a supplemental memorandum addressing only the impact of the fact that other actions regarding this same matter have apparently been filed in federal district court on the petitioners' request for temporary injunctive relief. Crooks, J., dissents.</p>		
OCCD SC	08-09-2010	Fee Paid
OCCD SC	08-09-2010	Petition for an Original Action
<p>Filed By: James Troupis Submit Date: 8-9-2010 Decision: (G) Grant Decision Date: 11-30-2010 ORD that the petition for leave to commence and original action is granted and this court assumes jurisdiction over this action. FRO that the motion of WEAC to intervene is granted and WEAC's answer to the October 8, 2010, complaint for declaratory and injunctive relief and supplemental petition for original jurisdiction is accepted for filing. FRO that WEAC shall serve and file a response to the joint statement of petitioners and respondents filed on October 27, 2010, within 15 days of the date of this order. FRO that within 35 days of the date of this order the petitioners shall file a brief in this case; that within 25 days thereafter the respondents and WEAC shall file their responsive briefs; and that within 10 days thereafter the petitioners shall file either reply brief or a statement that no such brief will be filed. FRO that this matter will be set for oral argument at 9:45 a.m on March 9, 2011. Motion Response Filed By: Thomas Bellavia Submit Date: 8-27-2010 Motion Response Filed By: James Troupis Submit Date: 9-7-2010 Motion Response Filed By: James Troupis</p>		

Submit Date: 10-8-2010
Motion Response
Filed By: Thomas Bellavia
Submit Date: 10-22-2010
