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Supreme Court of Wisconsin

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January 5, 2021

To:

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

No. 2018AP59 Clean Wisconsin, Inc. v. DNR L.C.#s 2016CV2817, 2016CV2818,
2016CV2819, 2016CV2820, 2016CV2821, 2016CV2822,
2016CV2823 & 2016CV2824

On April 9, 2019, this court accepted the court of appeals' certification in appeal case no. 2018AP59.¹ On April 25, 2019, the Joint Committee on Legislative Organization on behalf of the Wisconsin Legislature filed a "Petition to Intervene" in this appeal. On May 7, 2019, the court stayed briefing on the merits until further order of the court and, by order dated May 30, 2020, directed briefing on the legal standard governing the motion to intervene. On September 6, 2019, the motion to intervene was held in abeyance pending further order of this court. The court then ordered and received additional briefing addressing the impact of its decisions in SEIU, Local 1 v. Vos, Nos. 2019AP614-LV and 2019AP622.

¹ On the same day, the court accepted certification of the appeals in Clean Wisconsin v. DNR, Nos. 2016AP1688 and 2016AP2502. The appeal in case no. 2016AP2502 was voluntarily dismissed per court order dated May 30, 2019.

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No. 2018AP59

Clean Wisconsin, Inc. v. DNR L.C.#s 2016CV2817, 2016CV2818,
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2016CV2823 & 2016CV2824

By separate order issued today, the court has granted the petition to intervene filed by the Joint Committee on Legislative Organization on behalf of the Wisconsin Legislature. Accordingly, merits briefing on this matter may resume. Therefore,

IT IS ORDERED that within 30 days after the date of this order the intervenors-co-appellants, Wisconsin Manufacturers & Commerce, et al., and intervenor-co-appellant, Joint Committee on Legislative Organization on behalf of the Wisconsin Legislature, must each file either a brief in this court or a statement that no brief will be filed; that within 20 days of filing, the respondent-appellant, Wisconsin Department of Natural Resources, and petitioners-respondents, Clean Wisconsin, et al., must each file either a response brief or a statement that no response brief will be filed²; and that if a brief is filed by respondents, within 10 days of filing, the intervenors-co-appellants must each file either a reply brief or a statement that no reply brief will be filed; and

IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief; instead, any material upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that in the event any party elects not to file a brief in this court, the briefs previously submitted by that party to the court of appeals shall stand as that party's brief in the Supreme Court; and

IT IS FURTHER ORDERED that within the time period established for the filing of briefs, each party must provide the clerk of this court with copies of the briefs previously filed on behalf of that party in the court of appeals. If a party elects to file a new brief(s), 10 copies of their court of appeals brief(s) must be provided. If a party elects to stand on their court of appeals brief(s), 17 copies of each of their court of appeals brief(s) must be provided; and

IT IS FURTHER ORDERED that this appeal and no. 2016AP1688 shall be scheduled for oral argument on the same calendar assignment; and

IT IS FURTHER ORDERED that the parties shall be notified of the date and time for oral argument in this appeal in due course.

BRIAN HAGEDORN, J., did not participate.

Sheila T. Reiff
Clerk of Supreme Court

² By order dated May 30, 2019, this court granted the motion of the respondent-appellant, Wisconsin Department of Natural Resources, to modify the briefing schedule.

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