

No. 2021AP802

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**In the Supreme Court of Wisconsin**

ANDREW WAITY, JUDY FERWERDA,  
MICHAEL JONES, *and* SARA BRINGMAN,  
PLAINTIFFS-RESPONDENTS,

v.

DEVIN LEMAHIEU, *in his official capacity*, *and* ROBIN  
VOS, *in his official capacity*,  
DEFENDANTS-APPELLANTS-PETITIONERS.

On Appeal From The Dane County Circuit Court,  
The Honorable Stephen E. Ehlke, Presiding  
Case No. 2021CV000589

**DEFENDANTS' COURT-ORDERED SUPPLEMENT TO  
THEIR EXPEDITED PETITION FOR BYPASS**

**ISSUES PRESENTED FOR REVIEW**

1. Whether Wis. Stat. § 16.74 gives the Legislature—acting through its leadership—the authority to enter into those “contract[s]” for legal “services” that the Legislature determines to be “required within the legislative branch.” Wis. Stat. § 16.74(1), (2)(a)–(b).

The Circuit Court answered “no,” and the Court of Appeals has not ruled on this issue.

2. Whether the Wisconsin Constitution gives the Legislature—acting through its leadership—the authority to enter into those contracts for legal services that the Legislature determines to be necessary for the discharge of its constitutional duties.

The Circuit Court answered “no,” and the Court of Appeals has not ruled on this issue.

3. Whether Wis. Stat. § 20.765 gives the Legislature—acting through its leadership—the authority to enter into contracts for legal services that the Legislature determines to be required for carrying out its “functions.” Wis. Stat. § 20.765(1)(a)–(b).

The Circuit Court answered “no,” and the Court of Appeals has not ruled on this issue.

4. Whether Wis. Stat. § 13.124 gives the Legislature—acting through its leadership—the authority to obtain legal advice for impending, but not yet filed, litigation.

The Circuit Court answered “no,” and the Court of Appeals has not ruled on this issue.

5. Whether the Circuit Court erroneously exercised its discretion in failing to stay its summary-judgment Order pending appeal.

The Circuit Court implicitly answered “no” by not issuing a stay, and the Court of Appeals answered “no.”

Dated: July 9, 2021.

Respectfully submitted,



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