

IN THE SUPREME COURT OF WISCONSIN

Appeal No. 2021AP802

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
Dane County Case No. 2021-CV-589

PLAINTIFFS-RESPONDENTS' MOTION FOR RECONSIDERATION

Plaintiffs-Respondents ("the Taxpayers") request reconsideration of the Court's order of today's date directing Defendants-Appellants-Petitioners ("Vos and LeMahieu") to file a supplement to their Petition for Bypass setting forth the issues presented for review. The basis for this motion is as follows:

1. The Taxpayers included at pages 5 through 7 of their July 7, 2021 Brief in Opposition to Defendants' Expedited Petition for Bypass and

Expedited Motion for Stay Pending Appeal (“Taxpayers’ Brief”), a statement of the issues presented for review.

2. Vos and LeMahieu sought and received permission to file a Reply to the Taxpayers’ Brief, which was filed on July 8, 2021.
3. The Reply filed by Vos and LeMahieu did not contradict, object to, or otherwise comment on the Taxpayers’ statement of the issues presented for review.
4. By their silence, Vos and LeMahieu have adopted the formulation presented by the Taxpayers. See *Charolais Breeding Ranches, Ltd. v. FPC Secs. Corp.*, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493, 499 (Ct. App. 1979) (arguments not refuted are deemed admitted); *O'Connor v. Buffalo Cty. Bd. of Adjustment*, 2014 WI App 60, ¶ 31, 354 Wis. 2d 231, 847 N.W.2d 881, review denied, 2014 WI 109, ¶ 31, 358 Wis. 2d 306, 852 N.W.2d 746.

For these reasons, the Court should reconsider and withdraw its above-referenced Order.

Respectfully submitted this 9th day of July 2021.

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