

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

MOTION FOR LEAVE TO FILE A RESPONSE TO
DEFENDANTS-APPELLANTS-PETITIONERS' SUPPLEMENT TO THEIR
EXPEDITED PETITION TO BYPASS

Plaintiffs-Respondents (“the Taxpayers”) respectfully move this court for leave to file the attached proposed Response to the Defendants-Appellants-Petitioners’ (“Vos and LeMahieu”) Supplement to Their Expedited Petition to Bypass. The Supplement does not outline the issues currently before the Court, which the Taxpayers accurately described in their July 7, 2021 Brief in Opposition to Defendants’ Expedited Petition for

Bypass and Expedited Motion for Stay Pending Appeal (“Taxpayers’ Brief”), at pages 5-7, and which Vos and LeMahieu concede to through their silence. Instead, their Supplement appears to attempt a description of the issues presented on the merits of this appeal – although the description is a complete mischaracterization and distortion of the issues argued before and addressed by the circuit court.

The Taxpayers have had no opportunity to respond to Vos and LeMahieu’s formulation of the issues presented on appeal. A response to Vos and LeMahieu’s Supplement will aid the Court’s consideration of the pending Petition for Bypass, including by accurately describing the actual issues presented on the merits of the appeal.

The Taxpayers therefore request leave to file a short Response. A proposed Response is attached hereto and filed herewith.

Respectfully submitted this 9th day of July 2021.

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