



OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

September 12, 2019

To:

Hon. Frank D. Remington
Circuit Court Judge, Br. 8
215 S. Hamilton St., Rm. 4103
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
215 S. Hamilton St., Rm. 1000
Madison, WI 53703

Thomas C. Bellavia
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Nicole G. Berner/ Claire Prestel
Service Employees International Union
1800 Massachusetts Ave., NW
Washington, DC 20036

Timothy E. Hawks/ Barbara Z. Quindel
Richard Saks
Hawks Quindel, S.C.
P.O. Box 442
Milwaukee, WI 53201-0442

*Address list continues on Page 4

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

Nos. 2019AP614-LV 2019AP622	<u>Service Employees International Union (SEIU), Local 1 v. Robin Vos</u> L.C.# 2019CV302
--------------------------------	--

The court having considered the motion filed by the defendants-petitioners in Case No. 2019AP614-LV and defendants-appellants in Case No. 2019AP622, Robin Vos, et al. in their official capacities (the "Legislative Defendants") entitled "Emergency Motion to Strike the Response Brief and Appendix filed by the Attorney General, the Response Brief and Appendix Filed by Governor Evers, and the Response Brief Filed by Plaintiffs, Service Employees International Union (SEIU)," the court-ordered supplement to the motion to strike filed by the Legislative Defendants, and the responses to the motion to strike, as supplemented, filed by the plaintiffs-respondents, Service Employees International Union, Local 1 (SEIU), et al. (hereinafter collectively "the Plaintiffs"), and by the defendants-respondents in Case No. 2019AP614-LV and the defendants in Case No. 2019AP622, Governor Tony Evers and Attorney General Josh Kaul, in their official capacities;

Page 2

September 12, 2019

Nos. 2019AP614-LV
2019AP622

Service Employees International Union (SEIU), Local 1 v. Robin Vos
L.C.# 2019CV302

IT IS ORDERED that the motion to strike is granted. The Plaintiffs, Governor Evers, and Attorney General Kaul shall file redacted or restated copies of their response briefs and appendices as set forth in the following paragraphs by 4:30 p.m. on Tuesday, September 17, 2019. The cover page of each copy of such redacted/restated briefs shall bear the following notation at the top of the page: "Redacted or Restated Pursuant to Court Order of September 12, 2019." The redactions shall be made so that the redacted portions may no longer be read, and the stricken portions of the Attorney General's response brief shall be deleted (to be replaced by the restated arguments, as described below); and

IT IS FURTHER ORDERED that the Plaintiffs shall redact the following portions of their response brief:

1. In the first full paragraph on page 15, from the start of the paragraph ("Discretion over these . . .") through the citation to the newspaper article that ends on the eighth line of that paragraph (" . . . <https://bit.ly/30DB1W6>.");
2. In the second full paragraph on page 22, the following citation: "See Patrick Marley, GOP Legislators Seek to Intervene in More Lawsuits at Taxpayer Expense—This Time over Environmental Laws, Milwaukee J. Sentinel (Apr. 25, 2019), <https://bit.ly/2NqHpos>.";
3. In the second full paragraph on page 23, from the start of the paragraph ("This problem is not . . .") through the citation to the newspaper article that ends on the ninth line of that paragraph (" . . . <https://bit.ly/2NA9TF7>.");
4. In the carryover paragraph on the top of page 49, from the sentence that begins "Taxpayer-funded legal fees . . ." on the second line of page 49 through the end of that paragraph (" . . . several disputes with lawmakers.");
5. The entries for the four newspaper articles identified as originating from the "Milwaukee J. Sentinel" under "Other Authorities" in the Table of Authorities on page ix; and

IT IS FURTHER ORDERED that Governor Evers shall redact the following portions of his response brief:

1. Footnote three in its entirety on page 34;
2. In the second full paragraph on page 41 and the following paragraph that carries over onto page 42, from the start of the second sentence on the third line of the second full paragraph on page 41 ("Moreover, the Governor's . . .") through the end of the following paragraph that carries over onto the top of page 42 (" . . . all other agency functions. (Id. ¶¶53-56, 124, 159-60, 178, 190-92).");
3. In the first full paragraph on page 42 that carries over onto the top of page 43, from the second bullet point ("Going forward, . . .") through the end of the second-to-last sentence in that paragraph in the middle of page 43 (" . . . that also implement the law. (Id., ¶¶62, 108, 133, 157, 160, 192).");
4. In the last full paragraph on page 44 through the first full paragraph on page 45, from the start of the second sentence in the fourth line of the last full paragraph on page 44 ("Omitted is the fact . . .") through the end of the first

Page 3

September 12, 2019

Nos. 2019AP614-LV
2019AP622

Service Employees International Union (SEIU), Local 1 v. Robin Vos
L.C.# 2019CV302

full paragraph on page 45 ("... provisions of Act 369 are unconstitutional.");
and

IT IS FURTHER ORDERED that Attorney General Kaul shall delete the Affidavit of Charlotte Gibson in its entirety from the appendix to his response brief, and the following portions of his response brief shall be stricken:

1. Section I.A. in the Statement of the Case on pages 5-6 (from "The Wisconsin Department of Justice (DOJ) litigates . . ." on page 5 through the end of the carryover paragraph on the top of page 6 ("... the validity of a state statute (Gibson Aff. ¶5).");
2. The entirety of section II.B.3. in the Argument on pages 27-38 (from "Setting aside how a remand . . ." on page 27 through end of the second full paragraph on page 38 ("... violate the separation of powers.")); and

IT IS FURTHER ORDERED that Attorney General Kaul shall file a new version of his response brief in which he may restate the arguments set forth in the stricken sections identified in the preceding paragraph so long as the restated arguments do not cite to or rely upon the Affidavit of Charlotte Gibson. The remainder of the text of the response brief shall remain as set forth in the corrected version filed on September 5, 2019. The table of contents and table of authorities may be revised to conform to new page numbers in the revised brief; and

IT IS FURTHER ORDERED that by 4:30 p.m. on Tuesday, September 17, 2019, the Legislative Defendants shall file a redacted copy of their brief-in-chief from which the following portions have been redacted, with each copy of the redacted brief-in-chief bearing the following notation at the top of the cover page: "Redacted Pursuant to Court Order of September 12, 2019":

1. In the first full paragraph on page 10 that carries over onto the top of page 11, the last sentence on page 10 ("This follows the notice-and-comment procedure . . .") through the end of the citation on the seventh line on page 11 ("... (judicial notice of state records).");
2. In the last full paragraph on page 66 that carries over onto the top of page 67, from the start of the sentence that begins on the fifth line of the paragraph ("They would be happy to show . . .") through the first sentence on page 67 ("... is a worthwhile reform.");
3. The second and third citations on page ix under "Other Authorities" in the Table of Authorities; and

IT IS FURTHER ORDERED that the Legislative Defendants shall serve and file their reply brief by the close of business on Friday, September 20, 2019.

Sheila T. Reiff
Clerk of Supreme Court

Page 4

September 12, 2019

Nos. 2019AP614-LV
2019AP622Service Employees International Union (SEIU), Local 1 v. Robin Vos
L.C.# 2019CV302*Address list continued:

Jeremy P. Levinson/ Stacie H. Rosenzweig
Halling & Cayo, S.C.
320 E. Buffalo St., Ste. 700
Milwaukee, WI 53202

Colin Thomas Roth
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Eric M. McLeod
Husch Blackwell LLP
P.O. Box 1379
Madison, WI 53701-1379

David Strom
American Federation of Teachers
555 New Jersey Ave., NW
Washington, DC 20001

Lisa M. Lawless
Husch Blackwell LLP
555 E. Wells St., Ste. 1900
Milwaukee, WI 53202-3819

Daniel Townsend/ Matthew Wessler
Gupta Wessler PLLC
1900 L Street NW, Ste. 312
Washington, DC 20036

Lester A. Pines/ Tamara Packard
Beauregard W. Patterson/ Christa Westerberg
Pines Bach LLP
122 W. Washington Ave., Ste. 900
Madison, WI 53703-2718

Misha Tseytlin
Troutman Sanders LLP
1 N. Wacker Dr., Ste. 2905
Chicago, IL 60606-2882

Corydon James Fish
Wisconsin Manufacturers & Commerce
501 East Washington Avenue
Madison, WI 53703-2914