



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

FILED

07-13-2023

CLERK OF WISCONSIN

SUPREME COURT

July 13, 2023

To:

Hon. Kelly J. Thimm
Electronic Notice

Eric C. Rassbach
Electronic Notice

Michele Wick
Electronic notice

Nicholas R. Reaves
Electronic Notice

Christine L. Galinat
Electronic Notice

*Address list continued on Pages 4 & 5.

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2020AP2007

Catholic Charities Bureau, Inc. v. Wisconsin Labor and Industry
Review Commission, L.C. #2019CV324

On April 18, 2023, the court granted the petition for review filed by petitioners-respondents-petitioners, Catholic Charities Bureau, Barron County Developmental Services, Inc., Diversified Services, Inc., Black River Industries, Inc., and Headwaters, Inc. (the "Petitioners"). On May 18, 2023, the Petitioners filed their opening brief in this matter. On June 7, 2023, respondent-appellant, State of Wisconsin Department of Workforce Development, and respondent-co-appellant, State of Wisconsin Labor and Industry Review Commission, filed their joint response brief. On June 16, 2023, the Petitioners filed their reply brief. The court has also received the following filings in this case:

1. Motion of non-party Wisconsin Catholic Conference for leave to file a brief amicus curiae in support of Petitioners;
2. Motion of non-party Wisconsin State Legislature for leave to file a brief amicus curiae in support of Petitioners;

Page 2

July 13, 2023

No. 2020AP2007

Catholic Charities Bureau Inc. v. Wisconsin Labor and Industry
Review Commission, L.C. #2019CV324

3. Motion of non-party Catholic Charities USA for leave to file a brief amicus curiae in support of Petitioners;¹
4. Motion of non-party The Jewish Coalition For Religious Liberty for leave to file a brief amicus curiae in support of Petitioners, and proposed brief;
5. A motion filed by resident counsel, Attorney Jon P. Axelrod, on behalf of non-party The Jewish Coalition For Religious Liberty for admission of non-resident counsel, Attorney Howard Slugh, pro hac vice;
6. Motion of non-parties the International Society for Krishna Consciousness and the Sikh Coalition for leave to file a brief amici curiae in support of Petitioners, and proposed brief;
7. Three motions filed by resident counsel, Attorney Gregory N. Heinen and Attorney David W. Simon, on behalf of non-parties the International Society for Krishna Consciousness and the Sikh Coalition for admission of non-resident counsel, Attorney Benjamin Hayes, Attorney Levi Swank, and Attorney Dina Ljekperic, pro hac vice;
8. Motion of non-parties Minnesota-Wisconsin Baptist Convention, Lutheran Church – Missouri Synod, National Association of Evangelicals, American Islamic Congress, The Church of Jesus Christ of Latter-day Saints, General Council on Finance and Administration of the United Methodist Church, The Ethics and Religious Liberty Commission, and the Islam and Religious Freedom Action Team (collectively, Minnesota-Wisconsin Baptist Convention et al.) for leave to file a brief amici curiae in support of Petitioners, and proposed brief;
9. Two motions filed by resident counsel, Attorney Matthew M. Fernholz, on behalf of non-parties Minnesota-Wisconsin Baptist Convention et al. for admission of non-resident counsel, Attorney James C. Phillips and Attorney Gene C. Schaerr, pro hac vice;
10. Motion of non-parties Catholic Conferences of Illinois, Iowa, Michigan, and Minnesota for leave to file a brief amici curiae in support of Petitioners, and proposed brief;

¹ The court notes that, in a July 12, 2023 filing, Catholic Charities USA states that its general counsel, Attorney Keith R. Styles—who is not licensed to practice law in Wisconsin and whose name has appeared on all of Catholic Charities USA's filings to date—will not be seeking pro hac vice admission on the ground that he will not be appearing in this matter. Given that representation, the court directs Catholic Charities USA to remove Attorney Styles' name from the signature block of any future filing in this matter.

Page 3

July 13, 2023

No. 2020AP2007

Catholic Charities Bureau Inc. v. Wisconsin Labor and Industry
Review Commission, L.C. #2019CV324

11. Motion of non-party the Freedom From Religion Foundation for leave to file a brief amicus curiae, and proposed brief;
12. Motion of non-parties Maranatha Baptist University, Maranatha Baptist Academy, Concordia University Wisconsin, The Wisconsin Family Counsel, and the Wisconsin Association of Christian Schools (collectively, Maranatha et al.) for leave to file a brief amici curiae in support of Petitioners, and proposed brief;
13. Motion of non-parties Maranatha et al. for ten minutes of time to participate in oral argument scheduled in this matter for 9:45 a.m. on Monday, September 11, 2023;
14. Motion of non-parties Professors Douglas Laycock and Thomas C. Berg for leave to file a brief amici curiae in support of Petitioners, and proposed brief;
15. A motion filed by resident counsel, Attorney Timothy Feldhausen and Attorney Tiffany Woelfel, on behalf of non-parties Professors Douglas Laycock and Thomas C. Berg for admission of non-resident counsel, Attorney Mark Storslee, Attorney Sarah Harris, and Attorney Rohit Asirvatham, pro hac vice.

IT IS ORDERED that all motions submitted for leave to file non-party briefs amici curiae are granted;

IT IS FURTHER ORDERED that all motions for admission for non-resident attorneys, pro hac vice, are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, are attached to the moving parties' and the non-resident attorneys' orders;

IT IS FURTHER ORDERED that The Jewish Coalition For Religious Liberty's brief, the International Society for Krishna Consciousness and the Sikh Coalition's brief, Catholic Conferences of Illinois, Iowa, Michigan, and Minnesota's brief, the Freedom From Religion Foundation's brief, Maranatha et al.'s brief, and Professors Douglas Laycock's and Thomas C. Berg's brief, are accepted as filed;

IT IS FURTHER ORDERED that the brief submitted by the Minnesota-Wisconsin Baptist Convention et al. is rejected due to formatting defects, the nature of which shall be explained in a separate communication from the clerk of this court. The amici parties shall have until July 28, 2023, to file a corrected brief;

IT IS FURTHER ORDERED that the amici briefs not already filed must be filed by July 28, 2023;

IT IS FURTHER ORDERED that the motion of Maranatha et al. to participate in oral argument is held in abeyance pending further order of the court. Amicus are generally not granted

Page 4

July 13, 2023

No. 2020AP2007

Catholic Charities Bureau Inc. v. Wisconsin Labor and Industry
Review Commission, L.C. #2019CV324

oral argument time in addition to the argument time allotted to the parties, but amicus are generally allowed to speak at oral argument if either party cedes time. Maranatha et al. are therefore directed to: (1) ask the parties if they would be willing to cede any of their oral argument time to Maranatha et al.; and (2) inform this court in writing by July 28, 2023, on whether the parties are or are not willing to cede any argument time.

Samuel A. Christensen
Clerk of Supreme Court

Address list continued:

Kyle H. Torvinen
Electronic Notice

Jeffrey J. Shampo
Electronic Notice

Daniel M. Vitagliano
Electronic Notice

David Earleywine
Wisconsin Catholic Conference
106 E. Doty St., Ste. 300
Madison, WI 53703

Bradley G. Hubbard
Zachary Faircloth
Jason J. Muehlhoff
Elizabeth A. Kiernan
Gibson, Dunn, & Crutcher LLP
2001 Ross Ave.
Dallas, TX 75201

Daniel R. Suhr
N46 W5455 Spring Court
Cedarburg, WI 53012

Caleb R. Gerbitz
James M. Sosnoski
Meissner Tierney Fisher & Nichols S.C.
111 E. Kilbourn Ave., 19th Floor
Milwaukee, WI 53202

Robert S. Driscoll
Reinhart Boerner Van Deuren SC
P.O. Box 2965
Milwaukee, WI 53202

Tiernan Kane
Stephen M. Judge
South Bank Legal
100 E. Wayne Street, Suite 300
South Bend, IN 46601

Jonathan Judge
ArentFox Schiff LLP
233 South Wacker Dr., Ste. 7100
Chicago, IL 60606

David W. Simon
Gregory N. Heinen
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

Page 5

July 13, 2023

No. 2020AP2007

Catholic Charities Bureau Inc. v. Wisconsin Labor and Industry
Review Commission, L.C. #2019CV324

Levi W. Swank
Benjamin Hayes
Goodwin Procter LLP
1900 N. Street, NW
Washington DC 20036

Dina Ljekperic
Goodwin Procter LLP
620 8th Ave.
New York, NY 10018

Jon P. Axelrod
J. Wesley Webendorfer
Dewitt LLP
2 East Mifflin St., Ste. 600
Madison, WI 53703

Howard Slugh
The Jewish Coalition For Religious Liberty
2400 Virginia Ave. N.W., Apt C619
Washington, DC 20037

Ryan J. Walsh
John D. Tripoli
10 East Doty St., Ste. 621
Madison, WI 53703

Matthew M. Fernholz
Cramer, Multhauf & Hammes, LLP
P.O. Box 558
Waukesha, WI 53187

Gene C. Schaerr
James C. Phillips
Schaerr Jaffe LLP
1717 K St NW, Ste. 900
Washington DC 20006

Samuel Troxell Grover
Patrick C. Elliott
Attorney for Freedom From Religion
Foundation, Inc.
10 N. Henry St.
Madison, WI 53703

Timothy Feldhausen
Tiffany Woelfel
Amundsen Davis, LLC
318 South Washington St.
Green Bay, WI 543010

Sarah M. Harris
Mark S. Storslee
Rohit P. Asirvatham
Williams & Connolly LLP
680 Maine Ave. SW
Washington, DC 20024