

FILED

01-30-2025

CLERK OF WISCONSIN

SUPREME COURT

Supreme Court of Wisconsin



No. 2024AP2429

ABBOTSFORD ED. ASS'N. v. W.E.R.C.

L.C. #2023CV3152

January 30, 2025

The Court has entered the following order:

The court having considered the motion of intervenor-defendant-appellant, Wisconsin State Legislature, to extend the time to file a response to the petition for bypass in this case;

IT IS ORDERED that the motion is granted in part. Any response to the petition for bypass in this matter shall be filed no later than 11:59 p.m. on Wednesday, February 5, 2025.

REBECCA GRASSL BRADLEY, J., with whom ANNETTE KINGSLAND ZIELGER, C.J., joins (*dissenting*). The Legislature requests a two-week extension to file its response to the bypass petition. The majority gives it three business days. There is absolutely no reason to deny the Legislature's request, unless three members of this court wish to fast track yet another politically charged case for the purpose of overturning settled law on an issue already decided by this court eleven years ago. The Legislature passed Act 10 nearly 14 years ago, and this court upheld its constitutionality, including on the equal protection grounds argued anew in this case. *Madison Teachers, Inc. v. Walker*, 2014 WI 99, 358 Wis. 2d 1, 851 N.W.2d 337.

Two of the three members who deny the Legislature's requested extension displayed such hostility, derision, and disrespect toward the Legislature's attorney in a politically charged case the court heard earlier this month, that denying the Legislature's extension request appears to be rooted in something other than the law. See *Evers v. Marklein*, No. 23AP2020-OA (Wis. Sup. Ct. argued Jan. 16, 2025). In the past, a party's

No. 2024AP2429**ABBOTSFORD ED. ASS'N. v. W.E.R.C.****L.C. #2023CV3152****Order of the Court**

requested extension would have been granted in the ordinary course by the Chief Justice, but the new majority rewrote the court's internal operating procedures to strip the Chief Justice's powers for the very purpose of expediting the new majority's preferred cases. This order needlessly and inexplicably compresses the Legislature's time to respond, demanding undue haste where no legitimate urgency exists. I dissent.

BRIAN HAGEDORN, J., did not participate.

JANET C. PROTASIEWICZ, J., did not participate in this order.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:

Hon Jacob J. Frost (Electronic Notice)
Jeff Okzaki (Electronic Notice)
Leyon Dayan (Electronic Notice)
T.R. Edwards (Electronic Notice)
Charlotte Gibson (Electronic Notice)
Cole D. Hanzlicek (Electronic Notice)
Jacob Karabell (Electronic Notice)
Karla Z. Keckhaver (Electronic Notice)
Steven C. Kilpatrick (Electronic Notice)
Kevin M. LeRoy (Electronic Notice)

Jeffrey A. Mandell (Electronic Notice)
Taylor A. R. Meehan (Electronic Notice)
Marie Elizabeth Sayer (Electronic Notice)
Kevin M. St. John (Electronic Notice)
Misha Tseytlin (Electronic Notice)
Bryan Weir (Electronic Notice)
Nathalie E. Burmeister (U.S. Mail)
Luke N. Berg (U.S. Mail)
Richard M. Esenberg (U.S. Mail)
Lucas Thomas Vebber (Electronic Notice)