

MICHAEL D. DEAN, LLC

ATTORNEY AT LAW

20975 SWENSON DRIVE

SUITE 125

WAUKESHA, WISCONSIN 53186

TELEPHONE
(262) 798-8044TELEFAX
(262) 798-8045

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Date: December 5, 2011

To: Attn: Mr. A. John Voelker

Clerk of Courts

Firm: Wisconsin Supreme Court

City & State: Madison, Wisconsin

Telefax Number: 608.267.0640

From: Michael D. Dean

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Re: *Dennis Clinard, et al. v. Michael Brennan, et al.* Case No. 2011AP2677-OA

Documents: (1) Letter to Clerk of Court, 5619.000 (2 pages).

(2) Notice of Substitution of Counsel (2 pages).

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MICHAEL D. DEAN, LLC

ATTORNEY AT LAW

MAILING ADDRESS:
P.O. BOX 2545
BROOKFIELD, WI 53008

17035 WEST WISCONSIN AVENUE
Suite 100
BROOKFIELD, WI 53005

Telephone: (262) 798-8044
Telefax: (262) 798-8045
Email: miked@michaelddeanllc.com

December 5, 2011

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CLERK OF SUPREME COURT
OF WISCONSIN

BY TELEFACSIMILE, ORIGINAL BY MAIL

Mr. A. John Voelker
Acting Clerk of Supreme Court
Wisconsin Supreme Court
110 East Main Street, Suite 215
Madison, WI 53703

Re: *Dennis Clinard, et al. v. Michael Brennan, et al.*
Case No. 2011AP2677-OA

Dear Mr. Voelker:

Enclosed for filing please find a Notice of Substitution of Counsel, pursuant to which this firm is substituting in as counsel for the Petitioners.

I would also like to address matters concerning the Petitioners' Voluntary Withdrawal of Petition and the Court's Orders concerning briefing in this matter.

First, Attorney Levinson, on behalf of the proposed intervenors, and Attorney Poland, on behalf of the Involuntary Petitioners, have objected to the Voluntary Withdrawal of Petition. However, in light of the issues raised in the Court's November 30, 2011 Order, the likelihood of obtaining a timely resolution of the claims in the Petition seems doubtful, particularly given the pending federal court action involving a challenge to the validity of the 2011 Redistricting Plan adopted by the Legislature. Rather than spend substantial resources on preliminary procedural matters, Petitioners thought it the wiser course to withdraw the Petition.

Attorney Levinson also makes reference to a separate action that the same Petitioners have filed in Waukesha County Circuit Court raising identical claims. (*Clinard, et al. v. Brennan, et al., Waukesha County*, Case No. 11CV03995). The initial purpose of filing that separate action was to ensure that Petitioners followed the proper procedure in order to invoke the statute governing the appointment of a three-judge panel. However, for the same reasons that Petitioners withdrew the Petition in this Court, Petitioners have also filed an amended complaint in the Waukesha County Circuit Court action raising more limited issues, which alone do not implicate the procedures in Wis. Stat. §§ 751.035(1) and 801.50(4m) for appointment of a three-judge panel. We presume that the parties represented by Attorney Levinson could seek to intervene in that action. Yet, in light of the fact that the Amended Complaint in the Circuit Court action does not involve appointment of a three-judge panel, and the fact that this Court has not accepted jurisdiction of the matters raised in the Petition, we do not see how the pendency of the Circuit Court case should preclude the voluntary withdrawal of the Petition filed in this Court.

Mr. A. John Voelker
December 5, 2011
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If, for some reason, the Court does not dispose of the Petition on the basis of the Voluntary Withdrawal of Petition, given this firm's substitution, I would that the Court allow an additional amount of time to address the matters referenced in the Court's November 30 and December 1 Orders. I would ask for an extension of at least two weeks.

Thank you for your time and prompt attention to this matter. Counsel are being served by copy of this letter.

Sincerely,



Michael D. Dean

***** Because of scheduling conflicts, it will be more feasible to reach my cell phone number the next two days in the event that is necessary. That number is (262) 227-3950. Thank you.**

MDD:jm

Enc.

cc: Maria S. Lazar, Esq.
Eric M. McCleod, Esq.
Brady Williams, Esq.
Rebecca Mason, Esq.
Kevin J. Kennedy, Esq.
5619.000

FILED

DEC 05 2011

CLERK OF SUPREME COURT
OF WISCONSINSTATE OF WISCONSIN
SUPREME COURT

DENNIS CLINARD, ERIN M. DECKER,
LUONNE A. DUMAK, DAVID A. FOSS,
LaVONNE J. DERKSEN, PAMELA S. TRAVIS,
JAMES L. WEINER, JEFF L. WAKSMAN and
KEVIN CRONIN,

Petitioners,

and

Case No. 2011AP2677-OA

ALVIN BALDUS; CINDY BARBERA; CARLENE
BECHEN; ELVIRA BUMPUS; RONALD BIENDSEIL;
LESLIE W. DAVIS III; BRETT ECKSTEIN; GLORIA
ROGERS; RICHARD KRESBACH; ROCHELLE
MOORE; AMY RISSEEUW; JUDY ROBSON; JEANNE
SANCHEZ-BELL; CECELIA SCHLIEPP; TRAVIS
THYSSEN,

Involuntary Petitioners,

v.

MICHAEL BRENNAN, DAVID DEININGER, GERALD
NICHOL, THOMAS CANE, THOMAS BARLAND and
TIMOTHY VOCKE each in his official capacity as a member
of the WISCONSIN GOVERNMENT ACCOUNTABILITY
BOARD; and KEVIN KENNEDY, Director and General
Counsel for the Wisconsin Government Accountability Board;

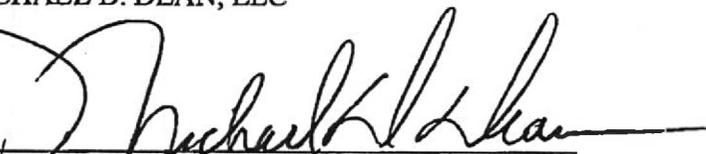
Respondents.

SUBSTITUTION OF COUNSEL

The undersigned hereby stipulate and agree that the law firm of Michael D. Dean, LLC
should be substituted in for Michael Best & Friedrich LLP, as counsel for the Petitioners in the
above-entitled matter.

MICHAEL D. DEAN, LLC

Dated: 12-5-11

By: 

Michael D. Dean
State Bar No. 1019171
P.O. Box 2545
Brookfield WI, 53008
17035 W. Wisconsin Avenue, Suite 100
Brookfield, WI 53005
Telephone: (262) 798-8044
Fax: (262) 798-8045

MICHAEL BEST & FRIEDRICH LLP

Dated: 12-5-11

By: 

Eric M. McLeod
State Bar No. 1021730
One South Pinckney Street, Suite 700
Madison, WI 53703
Telephone: 608.257.3501
Fax: 608.283.2275