

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

ROBERT DALLAS NEWTON, JR.

135 W. Washington St.
Brandon, WI 53919,

JANE NEWTON

135 W. Washington St.
Brandon, WI 53919,

DESIREE FRANK

547 East Washington St.
Brandon, WI 53919,

ROBERT CHRISTOFFERSON

W9416 Parkway Dr.
Poynette, WI 53955,

RICHARD BAKER

W9432 Columbia Ct.
Poynette, WI 53955,

AMY PHIMISTER

3710 Glidden Dr.
Sturgeon Bay, WI 54235,

JENNIFER MEYER

4171 Nicolet Dr.
Green Bay, WI 54311,

ALVIN MEYER

4171 Nicolet Dr.
Green Bay, WI 54311,

Plaintiffs,

v.

**SCOTT WALKER, in his official capacity as
Governor of Wisconsin,**

115 East
State Capitol
Madison, WI 53707,

Respondent.

**ORDER GRANTING
PLAINTIFFS' PETITION FOR
WRIT OF MANDAMUS**

Case No. 18-CV-0519

30952: Petition for Writ of Mandamus

Before this Court is Plaintiffs' Robert Dallas Newton, Jr.'s, Jane Newton's, Desiree Frank's, Robert Christofferson's, Richard Baker's, Amy Phimister's, Jennifer Meyer's, and Alvin Meyer's (collectively, "Plaintiffs") Petition for Writ of Mandamus, filed on February 26, 2018 (the "Petition"). By their Petition, Plaintiffs seek an order from this Court directing the Defendant, Governor Scott Walker, named in his official capacity as the Governor of Wisconsin, to perform his legal duty to call special elections to fill current legislative vacancies in State Assembly District 42 and Senate District 1 "as promptly as possible." Wis. Stat. § 8.50(4)(d); *see also* Wis. Const. art. IV, § 14. Shortly after filing the Petition, Plaintiffs filed an Emergency Motion for Order Shortening Time for Defendant to Respond to the Petition. The Court granted that motion, and the parties proceeded on an expedited briefing schedule, with Governor Walker filing his response to the Petition on March 7, and the Plaintiffs filing their Reply in support on March 12.

The Court heard the Plaintiffs' Petition in open court, on the record on March 22, 2018 and decided the Petition during an oral ruling the same day. All Plaintiffs appeared by their attorneys, David L. Anstaett, Elisabeth C. Frost and Sarah R. Gonski of Perkins Coie LLP, and Plaintiffs Robert Dallas Newton, Jr., Jane Newton, Desiree Frank, Robert Christofferson, Richard Baker, Jennifer Meyer and Alvin Meyer also appeared in person. Governor Walker appeared by Assistant Attorneys General Steven C. Kilpatrick and David Meany. Having carefully and fully considered the arguments and all papers submitted by the parties, and for the reasons set forth in the Court's oral ruling;

NOW THEREFORE IT IS ORDERED:

1. The Court finds that the Plaintiffs are entitled to the mandamus relief they

request, having established that: (a) Governor Walker has a plain and positive duty to order the special elections; (b) Plaintiffs possess a clear legal right to the relief sought; (c) Plaintiffs will be substantially damaged by nonperformance of said duty; and (d) there is no other adequate remedy at law. The Court also finds that the equities weigh heavily in favor of granting the Plaintiffs' Petition seeking a Writ of Mandamus and thus, entry of this Order .

2. The Governor shall issue an order and any necessary writ attendant thereto, scheduling special elections to fill the vacancies in State Assembly District 42 and Senate District 1 as **promptly** as possible, by no later than 12:00 p.m. (noon) on Thursday, March 29, 2018.

3. Pursuant to Wis. Stat. §8.50(2) “[t]he date for the special election shall be not less than 62 nor more than 77 days from the date of the Governor’s Order” and there shall be compliance with all other all other requirements of the special election statutes.

IT IS SO ORDERED.

Dated: March _____, 2018

BY THE COURT

Electronically signed by Josann Reynolds

Circuit Court Judge M. Reynolds, Branch 2
Dane County Circuit Court Judge

03/22/2018