



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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September 27, 2012

To:

Hon. Richard G. Niess  
Dane County Circuit Court Judge  
215 South Hamilton, Br. 9, Rm. 5103  
Madison, WI 53703

Carlo Esqueda  
Dane County Clerk of Circuit Court  
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Madison, WI 53703

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\*Additional Parties listed on Page Two

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

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No. 2012AP584-AC      League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker L.C.#2011CV4669

On August 21, 2012, a petition to bypass the court of appeals, a motion to stay permanent injunction, and a motion to consolidate this matter with No. 2012AP1652, Milwaukee Branch of the NAACP v. Scott Walker (NAACP),<sup>1</sup> were submitted on behalf of defendants-appellants, Scott Walker, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger and Timothy Vocke. On September 10, 2012, a motion for leave to file a non-party brief *amicus curiae* in support of the petition to bypass was filed on behalf of Margaret Farrow, George Mitchell, Mike Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson.

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<sup>1</sup> A petition to bypass, motion to stay permanent injunction, and motion to consolidate were also filed in NAACP.



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September 27, 2012

**To:**

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1139 E. Knapp Street  
Milwaukee, WI 53202

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

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No. 2012AP1652

Milwaukee Branch of the NAACP v. Scott Walker L.C.#2011CV5492

On August 21, 2012, a petition to bypass the court of appeals pursuant to Wis. Stat. §§ 808.05 and 809.60, a motion to stay permanent injunction, and a motion to consolidate this matter with No. 2012AP584-AC, League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker (League of Women Voters),<sup>1</sup> were filed on behalf of defendants-appellants, Scott Walker, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger and Timothy Vocke. The court notes that all opening briefs on appeal have not yet been filed. On September 10, 2012, a motion for leave to file a non-party brief *amicus curiae* in support of the petition to bypass was filed on behalf of Margaret Farrow, George Mitchell, Mike

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<sup>1</sup> A petition to bypass, motion to stay permanent injunction, and motion to consolidate were also filed in League of Women Voters.

Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson. The court having considered all of the foregoing;

IT IS ORDERED that the motion for leave to file a non-party brief *amicus curiae* is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order (Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, § 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

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Diane M. Fremgen  
Clerk of Supreme Court

This court recognizes the importance of the issues raised in this case and NAACP. The two cases share a commonality of subject matter, and if we were to grant review, we would hear oral argument in both cases on the same day and would take both matters under advisement at the same time. It is not feasible to follow that customary procedure in these two cases when all briefs on appeal have not yet been filed in NAACP.<sup>2</sup> Accordingly, this court denies the petition to bypass.

IT IS ORDERED that the motion for leave to file a non-party brief *amicus curiae* is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is denied, without costs.

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

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Diane M. Fremgen  
Clerk of Supreme Court

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<sup>2</sup> This court has today, by separate order, dismissed the petition to bypass filed in NAACP as premature. See Milwaukee Branch of the NAACP v. Scott Walker, No. 2012AP1652, unpublished order (Sept. 27, 2012).