

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

WILLIAM FEEHAN,

Plaintiff,

v.

WISCONSIN ELECTIONS COMMISSION,
and its members ANN S. JACOBS, MARK
L. THOMSEN, MARGE BOSTELMANN,
JULIE M. GLANCEY, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official
capacities, GOVERNOR TONY EVERS,
in his official capacity,

Case No.: 20CV1771

Defendants.

**DEFENDANT GOVERNOR EVERS'S REPLY
TO PLAINTIFF'S PROPOSED BRIEFING SCHEDULE**

On Thursday, December 3, 2020, Plaintiff William Feehan filed an Amended Motion for Temporary Restraining Order and Preliminary Injunction To Be Considered in an Expedited Manner (Dkt. 10), which included a Proposed Briefing Schedule (Dkt. 10-1). Several hours later, counsel met and conferred about the proposed schedule but were unable to reach agreement. Subsequent to that meet-and-confer session, one individual and one entity have moved to intervene in this matter.

In the absence of an agreed schedule among the parties, Defendant Tony Evers proposes the following expedited schedule:

Monday, Dec. 7 at 5:00 p.m. Defendants/Intervenors oppositions to TRO motion¹

¹ Governor Evers's brief will address not only the merits of Plaintiff's motion, but also threshold questions of justiciability.

Tuesday, Dec. 8 at 5:00 p.m. Plaintiff replies to opposition briefs

At the Court's discretion Court holds an evidentiary hearing and legal argument (if deemed necessary)

This proposed schedule will significantly expedite resolution of Plaintiff's claims, though Plaintiff has no one to blame but himself for the time-crunch that he cites as justification for imposing impossible deadlines.² This proposed schedule also seeks to balance the resources to be devoted to this case with those necessary for litigating the parallel case filed in this Court by President Trump³ and any state-court proceedings challenging the results of Wisconsin's election ongoing⁴ or that may arise.

Should the Court wish to hear more on this topic, counsel for Governor Evers will gladly make themselves available at the Court's convenience for a scheduling conference.

Respectfully submitted this 4th day of December 2020.

/s/ Jeffrey A. Mandell
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Attorneys for Defendant, Governor Tony Evers

² Plaintiff asserts that his motion needs to be adjudicated before the electors meet. (Dkt. 18 at *2) Since that meeting is not until December 14, *see* 3 U.S.C. § 7 and Wis. Stat. § 7.75, the Governor's proposed schedule satisfies that measure.

³ *Trump v. Wis. Elections Comm'n, et al.*, Case No. 2:2020-CV-1785 (E.D. Wis., filed December 2, 2020). Plaintiff in that case has also filed an emergency motion for preliminary injunctive relief. Judge Ludwig is convening a telephonic scheduling conference at 1:00 p.m. on Friday, December 4, 2020, to set deadlines in that matter.

⁴ *Wis. Voters Alliance v. Wis. Elections Comm'n, et al.*, Case No. 2020AP1930-OA (Wis.) (petition for original jurisdiction in the Wisconsin Supreme Court pending).