

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DEMOCRATIC NATIONAL COMMITTEE  
and DEMOCRATIC PARTY OF WISCONSIN,

Plaintiffs,

v.

20-cv-249-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.  
and MARK L. THOMSEN,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE  
and REPUBLICAN PARTY OF WISCONSIN,

Intervening Defendants.

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SYLVIA GEAR, MALEKEH K. HAKAMI, PATRICIA  
GINTER, CLAIRE WHELAN, WISCONSIN ALLIANCE  
FOR RETIRED AMERICANS and LEAGUE OF WOMEN  
VOTERS OF WISCONSIN,

Plaintiffs,

v.

Case No. 20-cv-278-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.,  
MARK L. THOMSEN, and MEAGAN WOLFE,

Defendants.

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REVEREND GREG LEWIS, SOULS TO THE POLLS,  
VOCES DE LA FRONTERA, BLACK LEADERS  
ORGANIZING FOR COMMUNITIES, AMERICAN  
FEDERATION OF TEACHERS LOCAL, 212, AFL-CIO,  
SEIU WISCONSIN STATE COUNCIL, and LEAGUE  
OF WOMEN VOTERS OF WISCONSIN,

Plaintiffs,

v.

Case No. 20-cv-284-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.,  
MARK L. THOMSEN, and MEAGAN WOLFE,

Defendants.

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**JOINT STIPULATION REGARDING PENDING MOTIONS REGARDING *GEAR*  
PLAINTIFFS' COMPLAINT AND FIRST AMENDED COMPLAINT**

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Counsel for the *Gear* Plaintiffs and the Wisconsin Elections Commission (“WEC” or “Commission”) Defendants in Case No. 20-cv-278 met and conferred by Zoom call on June 25, 2020 in an effort to resolve certain pending disputes in anticipation of Monday’s status conference, to narrow issues in dispute, and to expedite the Court’s resolution of the substantive issues posed by the *Gear* action. Subsequently, the *Gear* Plaintiffs and the WEC Defendants agreed to enter into the following joint stipulation:

1. The WEC Defendants do not object to the *Gear* Plaintiffs’ filing of the attached proposed First Amended Complaint. *See* Exhibit A. The WEC Defendants expressly do not endorse the proposed First Amended Complaint in any way and reserve the right to answer or otherwise plead in response to the proposed First Amended Complaint.
2. The proposed First Amended Complaint attached as Exhibit A differs in very limited respects from the proposed First Amended Complaint attached to the *Gear* Plaintiffs’

Motion for Leave to Add and Drop Plaintiffs, dkt. 148-1. As is shown in the redline version attached as Exhibit B to this Stipulation, the *Gear* Plaintiffs seek to: (a) add an additional form of relief that will permit certain voters to electronically access and download a mail-in absentee ballot, reducing the administrative burden on municipal clerks' offices in sending replacement mail-in absentee ballots; (b) correct an error with respect to Plaintiff Gregg Jozwik; and (c) correct some non-substantive typographical errors. As compared to the proposed First Amended Complaint attached to the *Gear* Plaintiffs' Motion for Leave to Add and Drop Plaintiffs, dkt. 148-1, no parties or causes of action have been added or dropped.

3. The *Gear* Plaintiffs and the WEC Defendants have agreed to abandon their respective positions with respect to the pending motion to dismiss the *Gear* Plaintiffs' original Complaint, as set forth in the WEC Defendants' motion to dismiss, dkt. 141, and the *Gear* Plaintiffs' opposition brief, dkt. 155. These parties cannot stipulate to dismissal without prejudice and with leave to file the proposed First Amended Complaint, however; only this Court can grant that because the proposed First Amended Complaint seeks to add new plaintiffs and drop current plaintiffs, *see* Fed. R. Civ. P. 21, dkt. 148. However, the parties agree in principle that the First Amended Complaint attached as Exhibit A should become the operative complaint in this action, and they jointly request either that the Court resolve the pending motion to dismiss to permit that outcome, or, alternatively, that the Court permit the WEC Defendants to withdraw their motion to dismiss the *Gear* Plaintiffs' original complaint, and grant the *Gear* Plaintiffs leave to file the First Amended Complaint attached as Exhibit A.
4. Finally, the *Gear* Plaintiffs and the Intervenor-Defendants Wisconsin Legislature, Republican National Committee, and Republican Party of Wisconsin ("the Intervenor-

Defendants”) met and conferred today via email. Having reviewed the attached proposed First Amended Complaint, the Intervenor-Defendants do not oppose its filing. However, like the WEC Defendants, the Intervenor-Defendants explicitly reserve the right to answer or otherwise plead in response to the *Gear* Plaintiffs’ First Amended Complaint.

Dated: June 26, 2020

Respectfully submitted,

/s/ Jon Sherman

Jon Sherman\*

D.C. Bar No. 998271

Michelle Kanter Cohen\*

D.C. Bar No. 989164

Cecilia Aguilera\*

D.C. Bar No. 1617884

FAIR ELECTIONS CENTER

1825 K St. NW, Ste. 450

Washington, D.C. 20006

(202) 331-0114 (telephone)

jsherman@fairelectionscenter.org

mkantercohen@fairelectionscenter.org

caguilera@fairelectionscenter.org

Douglas M. Poland

State Bar No. 1055189

David P. Hollander,

State Bar No. 1107233

RATHJE WOODWARD LLC

10 E Doty Street, Suite 507

Madison, WI 53703

(608) 960-7430 (telephone)

(608) 960-7460 (facsimile)

dpoland@rathjewoodward.com

dhollander@rathjewoodward.com

Attorneys for Plaintiffs in Case No.  
20-cv-278-wmc

*\*Admitted to the U.S. District Court  
for the Western District of Wisconsin*

Dated: June 26, 2020

LAWTON & CATES, S.C.

Electronically signed by Dixon R. Gahnz  
Dixon R. Gahnz, SBN: 1024367

Daniel S. Lenz, SBN: 1082058  
Daniel P. Bach, SBN: 1005751  
Terrence M. Polich, SBN: 1031375

345 W. Washington Avenue, Suite 201

P.O. Box 2965  
Madison, WI 53701-2965

Phone: (608) 282-6200

Fax: (608) 282-6252

[dgahnz@lawtoncates.com](mailto:dgahnz@lawtoncates.com)

[dlenz@lawtoncates.com](mailto:dlenz@lawtoncates.com)

[dbach@lawtoncates.com](mailto:dbach@lawtoncates.com)

[tpolich@lawtoncates.com](mailto:tpolich@lawtoncates.com)