

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

WILLIAM FEEHAN,

Plaintiff,

v.

Case No. 20-CV-1771

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

Defendants.

**WISCONSIN ELECTIONS COMMISSION AND ITS MEMBERS'
RESPONSE TO PLAINTIFF'S PROPOSED BRIEFING SCHEDULE**

Defendants Wisconsin Elections Commission and its members submit this response to Plaintiff's proposed briefing schedule on its motion for a temporary restraining order or, in the alternative, a preliminary injunction. Plaintiff proposes that Defendants be ordered to file a response to the motion by Friday, December 4, at 8:00 p.m., that Plaintiff file a reply by Saturday, December 5, at 8:00 p.m., and that this Court issue a decision by Sunday, December 6, at 5:00 p.m. (Dkt. 10-1; 18.) To justify this incredibly short timeline, Plaintiff asserts that he needs a decision by no later than December

6 so that he can “prepare for and seek whatever further relief may be then available in the one day left before the December 8 meeting of electors.” (Dkt. 18:2.)

But, even if that meeting had any relevance to this lawsuit, no such exigency would exist because the meeting of electors does not occur until December 14, 2020. *See* Wis. Stat. § 7.75(1) (“The electors for president and vice president shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December.”). In any event, any exigency is of the Plaintiff’s own making, as they have chosen to wait to bring their claims until eleventh hour.

A more reasonable timeframe for Defendants to respond to Plaintiffs’ voluminous filings—an amended complaint, exhibits, and TRO filings totaling nearly 400 pages—would be as follows:

- Defendants file a response brief by Tuesday, December 8, at 11:59 p.m.
- Plaintiff files a reply brief by Wednesday, December 9, at 11:59 p.m.

That schedule, while still extremely abbreviated, would at least give Defendants a reasonable time to respond to the amended complaint and accompanying documents that Plaintiff filed the morning of December 3, a day before he asks Defendants to file substantive responses.

Dated this 4th day of December, 2020.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ S. Michael Murphy
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