

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM FEEHAN, DERRICK VAN
ORDEN,

Plaintiffs,

CASE NO. 2:20-cv-1771

v.

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.

ORDER GRANTING EMERGENCY INJUNCTIVE RELIEF

THE COURT has before it Plaintiffs' Emergency Motion for Injunctive Relief filed December 1, 2020, seeking:

1. An order directing the Defendants Wisconsin Elections Commission and Governor Tony Evers not to certify or to de-certify the 2020 election results in the Presidential and District 3 Congressional races;
2. An order enjoining Defendants from transmitting the currently certified Presidential election results to the Electoral College;
3. An order requiring Governor Evers to transmit certified Presidential election results that state that President Donald Trump is the winner of the election;
4. An immediate emergency order to seize and impound all servers, software, voting machines, tabulators, printers, portable media, logs, ballot applications, ballot return envelopes, ballot images,

paper ballots, and all “election materials” referenced in Wisconsin Statutes § 9.01(1)(b)11. related to the November 3, 2020 Wisconsin election for forensic audit and inspection by the Plaintiffs;

5. An order that no votes received or tabulated by machines that were not certified as required by federal and state law be counted;

6. A declaratory judgment declaring that Wisconsin’s failed system of signature verification violates the Electors and Elections Clause by working a de facto abolition of the signature verification requirement;

7. A declaratory judgment declaring that currently certified election results violate the Due Process Clause, U.S. CONST. Amend. XIV;

8. A declaratory judgment declaring that mail-in and absentee ballot fraud must be remedied with an individual manual recount or statistically valid sampling that properly verifies a ballot application for each absentee ballot, that verifies the signatures on absentee ballot envelopes, and that invalidates the certified results in the Presidential and District 3 Congressional races if the recount or sampling analysis shows a sufficient number of ineligible absentee ballots were counted;

9. A declaratory judgment declaring absentee ballot fraud occurred in violation of Constitutional rights, Election laws and under Wisconsin state law; and

10. A permanent injunction prohibiting the Governor and the Wisconsin Elections Commission from transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering.

Plaintiffs also contend that any recalibration or reset of voting machines, tabulations machines, or other election-related mechanisms, servers, software, voting machines, tabulators, printers, portable media, logs, or processes, and any alteration or destruction of ballot applications, ballot return envelopes, ballot images, paper ballots, registration lists, poll lists, or any other “election materials” referenced in Wisconsin Statutes § 9.01(1)(b)11. related to the November 3, 2020

Wisconsin election, whether pursuant to § 7.23, Wisconsin Statutes, or otherwise, will make it impossible to conduct a valid recount or inspection by Plaintiffs' experts or others.

Plaintiffs contend any such act and any like it must be immediately enjoined across the state of Wisconsin pursuant to 52 U.S.C. § 20701 (preservation of voting records) because resetting the machines or other alteration or destruction of election equipment, records, or other materials would destroy the evidence or alter evidence and make impossible any forensic computer audit of the election computer systems for the November 3, 2020 General Election.

Plaintiffs therefore ask for an injunction to prevent any wiping or alteration of data or other records or materials, and to ensure forensic analysis can take place.

Plaintiffs further ask for emergency injunctive to expedite the flow of discovery material and to preserve all voting-related computer data information.

The Court has reviewed the terms and conditions of this Emergent Injunctive Relief Order, and for good cause shown IT IS HEREBY ORDERED THAT:

1. A Temporary Restraining Order is immediately in effect to preserve the voting machines in the State of Wisconsin, and to prevent any wiping or alteration of data or other records or materials, until such time as a full computer audit is completed;
2. Governor Evers and the Wisconsin Elections Commission are to de-certify the election results;
3. Governor Evers is hereby enjoined from transmitting the currently certified election results to the Electoral College;
4. Governor Evers is required to transmit certified election results that state that President Donald Trump is the winner of the election;
5. It is hereby Ordered that no votes received or tabulated by machines that were not certified as required by federal and state law be counted;

6. It is hereby declared and ordered that Wisconsin's failed system of signature verification violates the Electors and Elections Clause by working a de facto abolition of the signature verification requirement;

7. It is hereby declared and ordered that the currently certified election results violate the Due Process Clause, U.S. CONST. Amend. XIV;

8. It is hereby declared and ordered that mail-in and absentee ballot fraud must be remedied with a Full Manual Recount or statistically valid sampling that properly verifies a ballot application for each absentee ballot, that verifies the signatures on absentee ballot envelopes, and that invalidates the certified results in the Presidential and District 3 Congressional races if the recount or sampling analysis shows a sufficient number of ineligible absentee ballots were counted;

9. It is hereby declared that absentee ballot fraud occurred in violation of Constitutional rights, Election laws and under Wisconsin state law; and

10. It is hereby declared and ordered that Governor Evers and the Wisconsin Elections Commission are enjoined from transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering;

It is so Ordered, this ____ day of December, 2020.

Hon. Pamela Pepper
District Court Judge
Eastern District of Wisconsin, Milwaukee Division