

4126 Timber Lane Cross Plains, Wi. 53528 Ph. 608-305-4889 troupisjames@gmail.com

December 3, 2020 Via E-mail to the Clerk of Courts

Chief Justice Patience Roggensack Wisconsin Supreme Court 110 East Main Street Suite 215 Madison, Wi. 53701

Dear Chief Justice Roggensack:

Re: Trump et al. v. Evers, et al. #not yet assigned (Dane County) Trump et al. v. Evers, et al. #not yet assigned (Milwaukee County)

This afternoon, pursuant to Wis. Stat. 9.01 et seq, we filed Notices of Appeal from the Recount in Dane County and Milwaukee County conducted from November 20-29, 2020 on the Verified Petition for Recount of Donald J. Trump and Michael R. Pence in accordance with an Order of the Wisconsin Election Commission. A copy of the Notices of Appeal are enclosed. Pursuant to the statute, the appellant will post "an undertaking and surety in the amount approved by the court" and is prepared to post cash as provided in Wis. Stat. 895.346 to such account and in such amount as the court may approve.

Pursuant to Wis. Stat. 9.01(6)(b) we respectfully request that you "appoint a circuit judge, who shall be a reserve judge if available, to hear the appeal."

In order to avoid any delay, we respectfully request the appointed judge hold a "scheduling conference" (Wis. Stat. 9.01(7)(b)) on Friday, December 4, 2020 or Saturday, December 5, 2020 to set the surety amount and set a schedule. Matters to be addressed in that scheduling conference include, but need not be limited to, the dates for filing a complaint, filing an answer, propounding findings of fact and conclusions of law, submitting record evidence, providing supporting legal memoranda, oral hearings, if any, and final order. Given the time limitations inherent in the election for President, Appellants will be prepared to submit their complaint, proposed findings of fact and conclusion of law, the record evidence and legal memoranda on Monday, December 7. As the evidence and other matters to be addressed are limited to those raised at the Boards of Canvassers, completion should be expeditious.

Thank you for your consideration.

Very truly yours, TROUPIS LAW OFFICE Japres R. Troupis

Cc w/ encl. All parties of record in *Trump et al. v. Evers et al* 2020 AP 1971-OA by email (The parties are identical in the two proceedings.)

DONALD J. TRUMP, 1100 South Ocean Boulevard Palm Beach, FL 33480,

MICHAEL R. PENCE, 4750 North Meridian Street Indianapolis, IN 46208,

AND

DONALD J. TRUMP FOR PRESIDENT, INC., 725 Fifth Avenue New York, NY 10022,

### Plaintiffs,

v.

JOSEPH R. BIDEN 1209 Barley Mill Road Wilmington, DE 19807,

KAMALA D. HARRIS 435 N. Kenter Avenue Los Angeles, CA 90049,

MILWAUKEE COUNTY CLERK c/o GEORGE L. CHRISTENSON Milwaukee County Clerk 901 North 9th Street Milwaukee, WI 53233,

MILWAUKEE COUNTY BOARD OF CANVASSERS c/o TIMOTHY H. POSNANSKI, Chairman of Milwaukee County Board of Canvassers 901 North 9th Street Milwaukee, WI 53233,

WISCONSIN ELECTIONS COMMISSION 212 E. Washington Avenue, Third Floor Madison, WI 53703,

## AND

ANN S. JACOBS, 212 E. Washington Avenue, Third Floor Madison, WI 53703,

Defendants.

# NOTICE OF APPEAL AND APPEAL UNDER WIS. STAT. § 9.01(6)(a)

TO: MILWAUKEE COUNTY CLERK OF COURTS 901 North 9<sup>th</sup> Street Milwaukee, Wisconsin 53233

> WISCONSIN SUPREME COURT Attn: CHIEF JUSTICE PATIENCE D. ROGGENSACK 16 East State Capitol Madison, WI 53701-1688

JOSEPH R. BIDEN 1209 Barley Mill Road Wilmington, DE 19807

KAMALA D. HARRIS 435 N. Kenter Avenue Los Angeles, CA 90049

BIDEN FOR PRESIDENT c/o Matthew O'Neil 1120 20<sup>TH</sup> Street NW, Suite 250 Washington, DC 20036 Via electronic service (<u>mwoneill@foslaw.com</u>; cc: <u>David.kronig@2020victory.com</u>)

JO JORGENSEN 300 Butler Avenue Greenville, SC 29601 c/o Matthew Bughman via electronic service (chair@lpwi.org)

JEREMY SPIKE COHEN 3620 Pelham Road, #300 Greenville, SC 29615 c/o Matthew Bughman via electronic service (chair@lpwi.org) DON BLANKENSHIP c/o Howie Morgan via electronic service (<u>howie@netdoor.com;</u> info@donblankenship.com)

WILLIAM MOHR c/o Howie Morgan via electronic service (<u>howie@netdoor.com;</u> info@donblankenship.com)

BRIAN CARROLL c/o Dave Bovee via electronic service (<u>hwisconsinasp@gmail.com</u>)

AMAR PATEL c/o Dave Bovee via electronic service (<u>hwisconsinasp@gmail.com</u>)

MILWAUKEE COUNTY CLERK 901 North 9th Street Milwaukee, WI 53233

MILWAUKEE COUNTY BOARD OF CANVASSERS Attn: TIMOTHY H. POSNANSKI, Chair 901 North 9th Street Milwaukee, WI 53233

WISCONSIN ELECTIONS COMMISSION 212 E. Washington Avenue, Third Floor Madison, WI 53703

AND

ANN S. JACOBS, 212 E. Washington Avenue, Third Floor Madison, WI 53703

PLEASE TAKE NOTICE that the above-named Plaintiffs, by their attorneys, TROUPIS LAW OFFICE and the LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C., hereby appeal to the Circuit Court of Milwaukee County in accordance with Wis. Stat. § 9.01(6)(a), from the determination of the recount of the election for the Offices of President and Vice President of the United States in Milwaukee County, Wisconsin. Plaintiffs are further prepared, and have sufficient funds available, to post an undertaking and surety in cash, pursuant to Wis. Stat. § 895.346, and will do so as soon as the court approves an amount as required under Wis. Stat. § 9.01(6)(a).

Because Plaintiffs are also filing a notice of appeal under Wis. Stat. § 9.01 from the determination of the recount of the election for the Offices of President and Vice President of the United States in Dane County, Wisconsin, Plaintiffs request and contemporaneously hereby move the Chief Justice of the Wisconsin Supreme Court, the Honorable Patience D. Roggensack, to "consolidate all appeals relating to [such] election and appoint a circuit judge, who shall be a reserve judge if available, to hear the appeal." Wis. Stat. § 9.01(6)(b).

Dated at Madison, Wisconsin this 3rd day of December, 2020.

#### **TROUPIS LAW OFFICE**

By: <u>Electronically Signed by James R. Troupis</u> James R. Troupis, SBN 1005341 4126 Timber Ln. Cross Plains, WI 53528-9786 Phone: 608.305.4889 Email: judgetroupis@gmail.com

### CONWAY, OLEJNICZAK & JERRY S.C.

By: <u>Electronically Signed by R. George Burnett</u> R. George Burnett, SBN 1005964 Kurt A. Goehre, SBN 1068003 231 S. Adams St., P.O. Box 23200 Green Bay, WI 54305-3200 Phone: 920.437.0476 Email: <u>rgb@lcojlaw.com</u>

Attorneys for Plaintiffs

STATE OF WISCONSIN CIRCUIT COURT

DONALD J. TRUMP, and MICHAEL R. PENCE,

Plaintiffs,

v.

JOSEPH R. BIDEN KAMALA D. HARRIS, MILWAUKEE COUNTY CLERK c/o GEORGE L. CHRISTENSON, MILWAUKEE COUNTY BOARD OF CANVASSERS c/o TIMOTHY H. POSNANSKI, WISCONSIN ELECTION COMMISSION, and ANN S. JACOBS,

Defendants.

# SURETY AND UNDERTAKING FOR APPEAL

WHEREAS, the Republican Party of Wisconsin (the "Surety") desires to act as surety and give undertaking for the payment of all costs taxed against the appellant in the above-captioned matter pursuant to Wis. Stat.  $\S$  9.01(6)(a).

WHEREAS, the Surety has deposited the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) in an account located at BMO Harris Bank, NA.

NOW, THEREFORE, the undersigned surety does hereby obligate itself under said statutory obligations in the amount of up to One Hundred Thousand and 00/100 Dollars (\$100,000.00).

IT IS FURTHER AGREED by the Surety, that contemporaneously with the filing of this document, it shall deposit the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) with the Clerk of Court for Milwaukee County and Fifty Thousand and 00/100 Dollars (\$50,000.00) with the Clerk of Court for Dane County or, in the alternative, if these matters are consolidated the Surety shall deposit the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) with the Clerk of Court for the County as directed by a court having due jurisdiction (the

"Undertaking"). The Undertaking shall be held by the respective county's Clerk of Court as security for the obligations for all costs taxed against the appellant pursuant to Wis. Stat. 9.01(6)(a).

IT IS FURTHER AGREED by the Surety, that in the case of default or contumacy by the Surety or the appellant, the Court may, upon notice to it of not less than ten (10) days, deduct all costs taxed against the appellant from the Undertaking or proceed summarily and render judgment against the Surety in accordance with its obligation and award execution thereon.

IT IS FURTHER AGREED that the Surety, its successors and assigns, by the signature of the undersigned Chairman, agrees to be bound by the promises set forth herein.

Dated this 3rd day of December, 2020.

## **REPUBLICAN PARTY OF WISCONSIN**

By: <u>Electronically signed by Andrew Hitt</u> Andrew Hitt, its Chairman