

No. 20-3414

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

DONALD J. TRUMP, candidate for  
President of the United States of  
America,

Plaintiff-Appellant,

vs.

THE WISCONSIN ELECTIONS  
COMMISSION, *et al.*

Defendants-Appellees

Appeal from the United States District  
Court for the Eastern District of  
Wisconsin, Milwaukee Division

District Court No. 2:-20-cv-01785

The Honorable Brett H. Ludwig, Judge  
Presiding

**EMERGENCY MOTION FOR ADVANCEMENT OF HEARING**

**Ruling requested by December 15, 2020**

Plaintiff-Appellant Donald J. Trump, Candidate for President of the United States of America, moves this Court to expedite his appeal from the District Court's final judgment following an expedited final hearing on the merits of his claims dismissing his complaint with prejudice and denying his motion for preliminary injunction as moot and granting defendants' motions to dismiss and for judgment and for findings pursuant to Fed.R.Civ.P. 52, and in support states as follows:

1. This is an action for injunctive and declaratory relief concerning the presidential election held in Wisconsin on November 3, 2020, brought by Plaintiff-Appellant Donald J. Trump, as candidate for President of the United States of America.

2. The Complaint alleges that Wisconsin election officials significantly deviated from Wisconsin's legislative scheme regulating absentee voting and thus usurped the Wisconsin Legislature's exclusive authority under Article II, Section 1, Clause 2 of the U.S. Constitution by failing to conduct the election "in such Manner as the Legislature thereof may direct" and further alleges that the actions of Wisconsin election officials violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

3. The Plaintiff seeks a declaratory judgment that Wisconsin's November 3 presidential election was unconstitutional and therefore void, and injunctive relief against Defendants with respect to any further actions that would be based on the unconstitutional and void election, including enjoining Wisconsin Governor Tony Evers from issuing any "certificate of determination" under 3 U.S.C. § 6 that would be inconsistent with the declaration sought.

4. The Plaintiff further seeks costs, attorney's fees pursuant to 42 U.S.C. § 1983 and other just and proper relief.

5. The meeting of presidential electors is being held on December 14, 2020.

6. However, January 6, 2021, is the date that has "ultimate significance" under 3 U.S.C. § 15, because it is the date on which "the validity of electoral votes" is determined. *See Bush v. Gore*, 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

7. On November 30, 2020, Wisconsin completed its final state canvass of votes.

8. On December 2, 2020, Plaintiff-Appellant filed his *Complaint for Expedited Declaratory and Injunctive Relief Pursuant to Article II of the United States Constitution and Motion for Expedited Declaratory and Injunctive Relief and for an Expedited Hearing on the Motion for Expedited Declaratory and Injunctive Relief* (the “Complaint”).

9. On December 8, 2020, Defendants filed motions to dismiss the Complaint.

10. On December 10, 2020, the District Court held a final hearing and trial on the merits based on stipulated facts and exhibits. At the outset of the hearing, Defendant Governor Evers orally moved for judgment under Fed. R. Civ. Proc. 52.

11. On Saturday, December 12, 2020, the District Court issued an Order and Decision denying Plaintiff-Appellant’s requested relief, dismissing the Complaint with prejudice, and granting the motions to dismiss and the Governor’s motion for judgment, and entered final judgment in favor of Defendants.

12. Plaintiff-Appellant filed his notice of appeal the same day.

13. An expedited appeal is necessary in order for this Court to consider the Plaintiff-Appellant’s substantive claims ahead of January 6, 2020, when Congress meets to count Wisconsin’s electoral votes.

THEREFORE, Plaintiff-Appellant requests this Court grant this motion and issue an emergency briefing schedule and set an oral argument hearing date to be held on or before December 23, 2020, or such other time as the Court can accommodate. The Plaintiff-Appellant further requests this Court to rule on this

motion by December 15, 2020, or at the earliest time thereafter that the Court is able, and for all other just and proper relief.

**DATE: DECEMBER 14, 2020**

Respectfully Submitted,

KROGER, GARDIS & REGAS, LLP

/s/ William Bock, III

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**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed and served through the Seventh Circuit's electronic-filing system on December 14, 2020.

/s/ William Bock, III

*Counsel for Plaintiff-Appellant Donald J.  
Trump, candidate for President of the United  
States*