

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

WILLIAM FEEHAN,

Plaintiff,

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.

**PLAINTIFF’S MOTION TO FILE UNREDACTED COPIES OF
(1) EXHIBITS 1 AND 12 TO PLAINTIFF’S AMENDED COMPLAINT UNDER
SEAL AND (2) EXHIBITS 4, 13 AND 19 UNDER PROTECTIVE ORDER**

COMES NOW Plaintiff, William Feehan by and through his undersigned counsel, and respectfully moves that the Court grant him permission to File Copies of (1) Exhibits 1 and 12 to Plaintiff’s Amended Complaint Under Seal and (2) Exhibits 4, 13 and 19 Under Protective Order. This motion is made pursuant to General L. R. 79 and Eastern District of Wisconsin ECF Policies and Procedures.¹

Pursuant to the Policies and Procedures, Plaintiff designates Exhibits 1 and 12 as “Sealed,” to be “only by the judge.”² Plaintiff has designated Exhibits 4, 13, and 19 as “Restricted to Case Participant,” allowing “all attorneys of record to view the document” using an “e-filing log-in and password” provided by the Court.”³ Plaintiff’s Memorandum in support is filed herewith.

¹ <https://www.wied.uscourts.gov/e-filing-restricted-and-sealed-documents>

² *Id.*, § 1.

³ *Id.*

As General L. R. 79(d)(2) the Policies and Procedures direct, this Motion and Memorandum are being filed “publicly” by “**separate motion**” “PRIOR” to filing the unredacted Exhibits themselves.⁴

Respectfully submitted, this 9th day of December, 2020.

ATTORNEYS FOR PLAINTIFF

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⁴ Section 2 provides:

2. FILE A MOTION TO SEAL/RESTRICT

General Local Rule 79(d) states that the Court will consider all documents to be filed publicly unless they are accompanied by a **separate motion** to seal/restrict the document or portion thereof. The motion to seal/restrict should be filed PRIOR to the filing of any sealed/restricted documents. Documents electronically filed as sealed or restricted which do not have an accompanying motion to seal/restrict will be made publicly available.

Id. Bold face and capitalization original).

Local Counsel for Plaintiffs

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CERTIFICATION

Pursuant to General L. R. 79(d)(4), I certify that I have conferred with lead counsel for Defendants in a good faith attempt to avoid this Motion to limit the scope of the documents or materials subject to sealing under the Motion to only the Sealed or Restricted identities of the Affiants whose complete affidavits and declarations are already filed with the Court as Exhibits to Plaintiffs' Amended Complaint, with only their identities being redacted.

As indicated in the Motion, Counsel for Defendant Governor Evers has objected. Response to Gov. Evers' objection are included in the Memorandum submitted in support.

December 9, 2020

LOCAL COUNSEL FOR PLAINTIFF

/s Michael D. Dean

Michael Dean

From: Jeffrey Mandell <JMandell@staffordlaw.com>
Sent: Wednesday, December 9, 2020 11:24 AM
To: Michael Dean; Murphy, S. Michael
Cc: sidney@federalappeals.com; Howard Kleinhendler (howard@kleinhendler.com); Dan Eastman (daneastman@me.com)
Subject: RE: Motion to Seal/Restrict Identities Feehan v. Wisconsin Elections Commission et al 2:20-cv-1771

Mike –

The Governor opposes your motion.

First, Judge Pepper could not have been clearer yesterday that she is not entertaining evidentiary issues until and unless she has resolved the justiciability and dismissal arguments. Continuing to press forward with evidentiary issues at this point is prejudicial to Governor Evers, whose counsel are working around the clock to satisfy Plaintiffs' request for expedited resolution of this case.

Second, we object to the notion that Plaintiff can rely upon anonymous declarants or witnesses. Can you provide any authority showing that a federal court has allowed such an approach anywhere at any time in a civil matter?

Third, even if you proceed and the Court allows these revised filings, it remains our position, as I outlined on yesterday's call, that the Court cannot and should not consider any declarations, affidavits, or reports that Defendants have not had a full and fair opportunity to test through live cross-examination. We also reserve the right to object to any testimony being introduced via declaration or affidavit, depending on how a hearing, if ever scheduled, is structured.

Jeff

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From: Michael Dean <miked@michaelddeanllc.com>
Sent: Wednesday, December 9, 2020 10:21 AM
To: Murphy, S. Michael <murphysm@doj.state.wi.us>; Jeffrey Mandell <JMandell@staffordlaw.com>
Cc: sidney@federalappeals.com; Howard Kleinhendler (howard@kleinhendler.com) <howard@kleinhendler.com>; Dan Eastman (daneastman@me.com) <daneastman@me.com>
Subject: Motion to Seal/Restrict Identities Feehan v. Wisconsin Elections Commission et al 2:20-cv-1771

Mike and Jeff

For housekeeping on the exhibits, we would like to submit unredacted copies of

(1) Exhs. 1 and 12 to Plaintiff's Amended Complaint as "Sealed" so that the identities of the affiants will be available to the court only and

(2) Exhibits 4, 13 and 19 as "Restricted" so that identifies of the affiants will be available only to counsel through a court-generated password.

<https://www.wied.uscourts.gov/e-filing-restricted-and-sealed-documents>

General L. R. 79(d)(4) requires that a motion to seal be accompanied by a "certification that the parties have conferred in a good faith attempt to avoid the motion or to limit the scope of the documents or materials subject to sealing under the motion," so I am communicating with you only as lead counsel for the current "parties" to the case.

The motion and supporting memo are attached, also a short declaration as an exhibit. There's some precedent in the 7th Cir. that the court can't leave it to parties to stipulate to seal, so I think I have to file the motion regardless.

Please let me whether you concur with the Motion so I can note that in the Motion and Certification.

Thanks much.

Mike Dean
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I am writing this statement in regard to my identity being known. I have worked in areas that have made me a known target, have had death threats and even a price put on my head by foreign terrorist organizations. For the safety of myself and my family, I have requested to remain redacted. I have found listening devices in my home and have had attempts on myself.

Because of work I have done as a Confidential Human source/ Confidential informant as well as work investigating spy's across the globe, my identity is redacted. Not just work I have done here in America but also working with foreign nations, where even currently I am working to get Smartmatic out of other nations elections systems and doing election fraud mitigation.

I request that these extreme cases be taken into consideration for my personal safety, my families safety, the safety of sources I have worked with, I respectfully request that my persona remain redacted.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge. Executed this December 3, 2020.

