

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: December 8, 2020
JUDGE: Pamela Pepper
CASE NO: 2020-cv-1771
CASE NAME: William Feehan, *et al.* v. Wisconsin Elections Commission, *et al.*
NATURE OF HEARING: Status Conference
APPEARANCES: Howard Kleinhendler – Attorney for plaintiff
Jody Schmelzer – Attorney for the Wisconsin Elections Commission and members
S. Michael Murphy – Attorney for the Wisconsin Elections Commission And members
Davida Brook – Attorney for Governor Tony Evers
Jeffrey Mandell – Attorney for Governor Tony Evers
David Lesser – Attorney for Amicus Democratic National Committee
John Devaney – Attorney for Amicus Democratic National Committee
COURTROOM DEPUTY: Kristine Wrobel
TIME: 11:08 a.m. – 12:01 p.m.

AUDIO OF THIS HEARING AT DKT. NO. 70

For reasons it explained in detail on the record, the court denied the plaintiffs' motion for a consolidated evidentiary hearing and trial on the merits. Dkt. No. 44.

After explaining that it need to decide the justiciability questions raised by the defendants and *amici* before it could consider the merits of the plaintiff's request for injunctive relief, the court asked the plaintiff's counsel whether the plaintiff needed time to respond to the defendants' motions to dismiss (Dkt. Nos. 51 and 53). Counsel responded that the plaintiff would file both his reply in support of the motion for injunctive relief and his brief in opposition to the motions to dismiss by 5:00 p.m. CST today. When the court enquired when the plaintiff needed a decision from the court (in order to avoid extinguishment of any appellate rights), counsel responded that he would like the court to rule by tomorrow (December 9, 2020). After hearing from the defendants and amicus the DNC regarding when they could file reply briefs, the court ordered that the deadline for the defendants and *amici* to file reply briefs in support of the motions to dismiss was December 9, 2020 at 3 p.m. CST. The court indicated that it will try to get a decision out as soon as possible.

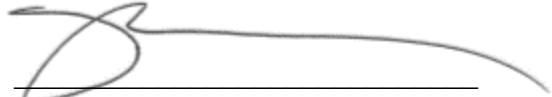
The court **DENIES** the plaintiffs' motion for consolidated evidentiary hearing and trial on the merits. Dkt. No. 44.

The court **ORDERS** the plaintiff to file his responses to the motions to dismiss (Dkt. Nos. 51 and 53) and reply brief in support of his motion for injunctive relief (Dkt. No. 10) by December 8, 2020 at 5 p.m. CST.

The court **ORDERS** that if the defendants and *amici* wish to file reply briefs in support of the motions to dismiss, they must do so by December 9, 2020 at 3 p.m. CST.

Dated in Milwaukee, Wisconsin this 8th day of December, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge