

In the United States District Court
For the Eastern District of Wisconsin
Green Bay Division

**Michael Langenhorst, Michael D.
LeMay, Stephen Fifrick,**
Plaintiffs,

v.

Laure Pecore, in her official capacity as Clerk of Menominee County, Wisconsin; **Scott McDonell**, in his official capacity as Clerk of Dane County, Wisconsin; **George L. Christenson**, in his official capacity as Clerk of Milwaukee County, Wisconsin; **Julietta Henry**, in her official capacity as Milwaukee County, Wisconsin Elections Director; **Rick Baas, Dawn Martin**, and **Tim Posnanski**, in their official capacities as Milwaukee County, Wisconsin Election Commissioners; **Ann S. Jacobs**, in her official capacity as Chair of the Wisconsin Elections Commission, **Mark L. Thomsen**, in his official capacity as Vice-Chair of the Wisconsin Elections Commission, **Marge Bostelmann**, in her official capacity as Secretary of the Wisconsin Elections Commission; **Julie M. Glancey, Dean Knudson**, and **Robert F. Spindell, Jr.** in their official capacities as Wisconsin Election Commissioners; and **Tony Evers**, in his official capacity as Governor of the State of Wisconsin,
Defendants

Case No.: 1:20-cv-1701

Motion to Expedite

Expedited Consideration Requested

Motion to Expedite

Plaintiffs Michael Langenhorst, Michael D. LeMay, and Stephen Fifrick (collectively “Voters”) pursuant to Fed. R. Civ. P. 57, move for this Court to enter an expedited schedule and

expedited discovery on Plaintiffs' *Verified Complaint for Declaratory and Injunctive Relief* and an expedited hearing on the merits of the Complaint.

For the reasons set forth in the accompanying brief, Voters request the following:

- a prompt scheduling conference to establish an expedited schedule for the resolution of this case,
- that this court the enter the following expedited schedule:
 - (1) all discovery requests and responses thereto, and all third party subpoenas and responses thereto shall be completed no later than November 18, 2020;
 - (2) a trial brief will be filed with the Court by all parties no later than one business day prior to the scheduled trial on the merits;
 - (3) a trial on the merits to be scheduled the week of November 23, 2020; and
 - (4) this Court will rule promptly on the matter after the trial on the matter,
- that this Court order expedition of all discovery according to the proposed schedule and waive certain discovery rules that would impede expedited discovery, as follows:
 - (1) this Court waive the provisions of Federal Rule of Civil Procedure 26(a)(1) requiring initial disclosure and order that initial disclosure need not be made in order to expedite discovery;
 - (2) this Court waive the requirements of Federal Rule of Civil Procedure 26(f) that parties must confer before initiating discovery and order that Voters may begin discovery immediately pursuant to Federal Rule of Civil

Procedure 26(d)(1);

- (3) this Court waive the requirements of Federal Rule of Civil Procedure 45(a)(4) of notice to all parties prior to serving third party subpoenas and permit third party subpoenas to be served immediately without prior notice.
- (4) Voters further request that discovery be allowed to proceed irrespective of any Preliminary Pretrial Conference pursuant to Civil Local Rule 16(a), and that discovery may proceed prior to any Preliminary Pretrial Conference.
- (5) Voters further request that discovery be allowed to proceed irrespective of any LcvR 16.1 Pretrial Conference, and that any requirement of such Pretrial Conference to plan discovery before discovery may proceed be waived.
- (6) Voters further request that discovery be allowed to proceed irrespective of parties conferring pursuant to LR 26.1(a) and (b), that the requirement for conference, scheduling, and creating a discovery plan be waived, and that discovery may proceed forthwith.
- (7) Voters further request that any local rule regarding requirements for preliminary pretrial conferences, pretrial conferences, and discovery plans are waived so that discovery may proceed forthwith.

In Voters' good faith efforts to expedite this case, Voters have emailed all pleadings to Defendants and their counsel when known, in addition to complying with the applicable

requirements regarding service under the Federal Rules of Civil Procedure. The parties were notified of the case immediately after filing.

For reasons fully explained in Voters' accompanying *Memorandum in Support of Motion to Expedite*, Voters request that this Court grant its *Motion to Expedite*.

Date: November 13, 2020

Respectfully Submitted,

/s/ Michael D. Dean

Michael Dean (WI #SBN 01019171)

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Lead Counsel for Plaintiffs

Certificate of Service

I hereby certify that on November 13, 2020, I caused the foregoing and all exhibits and attachments thereto in the above-captioned matter to be filed with the United States District Court for the Eastern District of Wisconsin, Green Bay Division, via the Court's CM/ECF system. I also hereby certify that I caused the foregoing and all exhibits and attachments thereto in the above-captioned matter to be served via email upon:

Scott McDonell, Clerk of Dane County, Wisconsin;

George L. Christenson Clerk Milwaukee County, Wisconsin;

Julietta Henry Milwaukee County Elections Director;

Rick Bass, Dawn Martin, Tim Posnanski Milwaukee County Election Commissioners;

Ann S. Jacobs, Mark L. Thomsen, Marge Bostelmann, Julie M. Glancy, Dean Knudson, Robert F. Spindell, Jr., Wisconsin Election Commissioners.

/s/ Michael D. Dean

Michael D. Dean