

EXHIBIT 2

16-1161 GILL V. WHITFORD

DECISION BELOW: 218 F.Supp.3d 837

LOWER COURT CASE NUMBER: 15-cv-421-bbc

QUESTION PRESENTED:

1. Did the district court violate *Vieth v. Jubelirer*, 541 U.S. 267 (2004), when it held that it had the authority to entertain a statewide challenge to Wisconsin's redistricting plan, instead of requiring a district-by-district analysis?
2. Did the district court violate *Vieth* when it held that Wisconsin's redistricting plan was an impermissible partisan gerrymander, even though it was undisputed that the plan complies with traditional redistricting principles?
3. Did the district court violate *Vieth* by adopting a watered-down version of the partisan-gerrymandering test employed by the plurality in *Davis v. Bandemer*, 478 U.S. 109 (1986)?
4. Are Defendants entitled, at a minimum, to present additional evidence showing that they would have prevailed under the district court's test, which the court announced only after the record had closed?
5. Are partisan-gerrymandering claims justiciable?

FURTHER CONSIDERATION OF THE QUESTION OF JURISDICTION IS
POSTPONED TO THE HEARING OF THE CASE ON THE MERITS.

JURISDICTION NOTED 6/19/2017