



FILED
09-24-2025
CLERK OF WISCONSIN
SUPREME COURT

Direct Dial: 608-252-9386
Email: bvv@dewittllp.com

September 24, 2025

VIA E-FILING ONLY

Samuel A. Christensen
Clerk of the Supreme Court and Court of Appeals
Wisconsin Supreme Court
110 East Main Street, Suite 215
Madison, Wisconsin 53701-1688

Re: *Elizabeth Bothfeld, et. al., v. Wisconsin Elections Commission*
No. 2025XX001438

Dear Mr. Christensen:

We represent the Plaintiffs in *Bothfeld v. Wisconsin Elections Commission*, No. 2025XX001438, which is before this Court solely for the appointment of a judicial panel and assignment of venue pursuant to Wis. Stat. § 751.035(1).

We write to notify this Court that on September 23, 2025, Dane County Circuit Court denied Plaintiffs' request that it set a briefing schedule on Plaintiffs' pending motion for judgment on the pleadings. *See* Ex. A. The court ruled that because the "Wisconsin Supreme Court is statutorily obligated to appoint a panel of 3 circuit court judges" to hear the matter, "any actions that [Judge Genovese] would take as a sole circuit judge would contravene the statutory scheme." *Id.* at 2. In short, the Dane County Circuit Court will not take any action on the pending matter—which was filed on July 29, with an answer and dispositive motion filed on September 5—until this Court appoints a panel.¹

Given the urgent need to resolve this important issue of public concern sufficiently in advance of the 2026 elections, we respectfully reiterate our request that a judicial panel be appointed as soon as possible.

¹ In denying the motion for a briefing schedule, the court indicated that "Defendants object" to Plaintiffs' request, *id.*, but in fact Defendants—the Wisconsin Election Commission and its officers and administrator—took no position on Plaintiffs' motion. The court appears to have been referring to a letter filed by certain Republican Congressmen and voters opposing setting a briefing schedule until this Court appoints a panel, *see* Ex. B, though those individuals have not sought to intervene and are not otherwise parties to the proceedings and so have no basis to object.



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Respectfully submitted,

DeWitt LLP

A handwritten signature in black ink, appearing to read "Barret V. Van Sicklen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barret V. Van Sicklen
BVV:emh

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CIRCUIT COURT
DANE COUNTY, WI
2025CV002432

BY THE COURT:**DATE SIGNED: September 23, 2025**

Electronically signed by Julie Genovese
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 13

DANE COUNTY

ELIZABETH BOTHFELD, et al.

Plaintiffs,

v.

Case No. 2025CV2432

WISCONSIN ELECTIONS COMMISSION, et al.,

Defendants.

ORDER DENYING REQUEST FOR BRIEFING SCHEDULE

On July 21, 2025, plaintiffs brought this declaratory judgment action seeking declaratory and injunctive relief regarding the constitutionality of the congressional districting maps. Plaintiffs claim that these maps constitute unlawful partisan gerrymandering. Pursuant to Wis. Stat. §801.50(4m), the Dane County Clerk of Court notified the Clerk of the Supreme Court of this action.¹

Under Wis. Stat. §751.035, the Wisconsin Supreme Court “shall appoint a panel consisting of 3 circuit court judges to hear the matter. The supreme court shall choose one judge from each of 3 circuits and shall assign one of the circuits as the venue for all hearing and filings in the matter.”

¹ Section 801.50(4m) provides: Venue of an action to challenge the apportionment of any congressional or state legislative district shall be as provided in s. [751.035](#). Not more than 5 days after an action to challenge the apportionment of a congressional or state legislative district is filed, the clerk of courts for the county where the action is filed shall notify the clerk of the supreme court of the filing.

A gray rectangular stamp with rounded corners and a black border, containing the text "EXHIBIT A" in bold, black, sans-serif capital letters.

The Wisconsin Supreme Court has not yet taken any action. Plaintiffs now bring this motion for judgment on the pleadings and ask for a briefing schedule. Defendants object, asking this court not to take any action until the Wisconsin Supreme Court acts.

I agree with the Defendants. As Plaintiffs concede, the Wisconsin Supreme Court is statutorily obligated to appoint a panel of 3 circuit court judges. It is not even clear whether I will be one of those three judges or whether Dane County will be the venue. Until the Wisconsin Supreme Court appoints the panel, any actions that I would take as a sole circuit court judge would contravene the statutory scheme developed in these cases. Accordingly, the request for a briefing schedule is denied.

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Troutman Pepper Locke LLP
111 S. Wacker Dr., Suite 4100
Chicago, Illinois 60606

troutman.com

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CIRCUIT COURT
DANE COUNTY, WI
2025CV002432

Misha Tseytlin
misha.tseytlin@troutman.com

VIA ELECTRONIC FILING

September 16, 2025

Jeff Okazaki
Dane County Clerk of Courts
Dane County Circuit Court
215 S. Hamilton Street, Room 1000
Madison, Wisconsin 53703-3285

Re: *Elizabeth Bothfeld v. Wisconsin Elections Commission*, No.2025CV2432

Dear Clerk Okazaki,

I represent Congressmen Glenn Grothman, Bryan Steil, Tom Tiffany, Scott Fitzgerald, Derrick Van Orden, and Tony Wied and individual Wisconsin voters Gregory Hutcheson, Patrick Keller, Patrick McCalvy, and Mike Moeller—all of whom were permitted to intervene as Respondents in *Bothfeld v. Wisconsin Elections Commission* (“WEC”), No.2025AP996-OA (Wis.). Plaintiffs in the present case alleged that the map that the Supreme Court adopted in *Johnson v. WEC*, 2022 WI 14, 400 Wis. 2d 626, 971 N.W.2d 402, violates the Wisconsin Constitution, while raising identical theories to those that these Plaintiffs raised in their unsuccessful original action in *Bothfeld*, No.2025AP996-OA. I write to this Court with regard to Plaintiffs’ recently filed Motion For Judgment On The Pleadings. See Dkts.43, 44.

As this Court knows, the issue of whether to grant Plaintiffs’ request to appoint a three-judge panel to hear this case under Wis. Stat. § 751.035(1) is pending before the Wisconsin Supreme Court. See *Bothfeld v. WEC*, No.2025XX1438 (Wis.). As part of its consideration as to whether to appoint the three-judge panel, the Supreme Court also has before it our suggestion that the Court should dismiss this case as an unconstitutional request that an inferior tribunal invalidate a map adopted by the State’s highest court (or at least order briefing on this issue before deciding whether to appoint a three-judge panel). See Letter from Misha Tseytlin to Samuel A. Christensen, Clerk of the Sup. Ct. & Ct. of Appeals, *Bothfeld v. WEC*, No.2025XX1438 (Wis. July 23, 2025) (attached hereto as Exhibit A); Order, *Clinard v. Brennan*, No.2011XX1409 (Wis. Jan. 13, 2014) (dismissing prior action filed under Wis. Stat. § 751.035(1) without appointing a three-judge panel). Accordingly, we respectfully request that this Court not take any action on Plaintiffs’ Motion For Judgment On The Pleadings, including setting a briefing schedule or hearing date, in order to await the Supreme Court’s decision on how this case should

Exhibit B

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proceed. *See Hefty v. Strickhouser*, 2008 WI 96, ¶ 31, 312 Wis. 2d 530, 752 N.W.2d 820 (“Circuit Courts have discretion to control their dockets,” including by setting “scheduling order[s]” and determining when to dispose of pending motions); Wis. Stat. § 802.10.

Respectfully submitted,

Electronically signed by Misha Tseytlin
Misha Tseytlin

cc: All Counsel of Record (via Electronic Filing)

EXHIBIT A

Case 2025CV002432

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Troutman Pepper Locke LLP
111 S. Wacker Dr., Suite 4100
Chicago, Illinois 60606



troutman.com

Misha Tseytlin
misha.tseytlin@troutman.com

VIA ELECTRONIC FILING

July 23, 2025

Samuel A. Christensen
Clerk of the Supreme Court and Court of Appeals
Wisconsin Supreme Court
110 East Main Street, Suite 215
Madison, Wisconsin 53701-1688

Re: *Elizabeth Bothfeld v. Wisconsin Elections Commission*, No.2025XX001438 (Wis.)

Dear Clerk Christensen,

We represent Congressmen Glenn Grothman, Bryan Steil, Tom Tiffany, Scott Fitzgerald, Derrick Van Orden, and Tony Wied and individual Wisconsin voters Gregory Hutcheson, Patrick Keller, Patrick McCalvy, and Mike Moeller. This Court permitted us to intervene as Respondents in *Bothfeld v. Wisconsin Elections Commission* (“WEC”), No.2025AP996-OA (Wis.). As with the *Bothfeld* original action, which this Court denied, this case challenges under the Wisconsin Constitution the map that this Court adopted in *Johnson v. WEC*, 2022 WI 14, 400 Wis. 2d 626, 971 N.W.2d 402 (“*Johnson II*”), raising identical theories to those that these same plaintiffs raised in their unsuccessful original action. We respectfully submit that this Court dispose of this case in the same manner that we suggested that this Court handle the recently filed *Wisconsin Business Leaders for Democracy v. WEC*, No.2025XX001330 (Wis.), case. Specifically, before this Court considers Plaintiffs’ request to appoint a three-judge panel under Wis. Stat. § 751.035(1), this Court should set a briefing schedule that allows this Court to consider whether to dismiss this case, including because Plaintiffs in this case—just like the plaintiffs in *Wisconsin Business Leaders for Democracy*—ask this Court to appoint an inferior tribunal to violate the Wisconsin Constitution by adjudicating the constitutionality of the relief that this Court issued in *Johnson II*. See Wis. Const. art. VII, § 3.*

* Further, as we did in *Wisconsin Business Leaders for Democracy*, we respectfully request that this Court consider streamlining these initial proceedings in two respects. First, this Court should deem all parties that this Court already permitted to intervene in the *Bothfeld* original action to also be intervenors in this case, without the need to refile motions and supporting memoranda. Second, this Court should provide that our motion to recuse Justice Protasiewicz filed in *Bothfeld* be deemed filed and denied in this case as well, again, without the need to refile a motion making the same arguments that Justice Protasiewicz already rejected, so as to preserve these parties’ rights.

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Respectfully submitted,

Electronically signed by Misha Tseytlin
Misha Tseytlin

cc: All Counsel of Record (via Electronic Filing)