

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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LISA HUNTER, JACOB ZABEL,  
JENNIFER OH, JOHN PERSA, GERALDINE  
SCHERTZ, and KATHLEEN QUALHEIM,

Plaintiffs,

and

BILLIE JOHNSON, ERIC O'KEEFE, ED PERKINS,  
and RONALD ZAHN,

Intervenor-Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M. GLANCEY,  
ANN S. JACOBS, DEAN KNUDSON, ROBERT  
F. SPINDELL, JR., and MARK L. THOMSEN, in  
their official capacities as members of the  
Wisconsin Elections Commission,

Defendants,

and

21-cv-512-jdp-ajs-eec

WISCONSIN LEGISLATURE,

Intervenor-Defendant,

and

CONGRESSMEN GLENN GROTHMAN,  
MIKE GALLAGHER, BRYAN STEIL, TOM TIFFANY,  
and SCOTT FITZGERALD,

Intervenor-Defendants,

and

GOVERNOR TONY EVERS,

Intervenor-Defendant.

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BLACK LEADERS ORGANIZING FOR  
COMMUNITIES, VOCES DE LA FRONTERA,  
the LEAGUE OF WOMEN VOTERS OF  
WISCONSIN, CINDY FALLONA, LAUREN  
STEPHENSON, and REBECCA ALWIN,

Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M. GLANCEY,  
ANN S. JACOBS, DEAN KNUDSON, ROBERT  
F. SPINDELL, JR., and MARK L. THOMSEN, in  
their official capacities as members of the  
Wisconsin Elections Commission, and  
MEAGAN WOLFE, in her official capacity as the  
administrator of the Wisconsin Elections Commission,

21-cv-534-jdp-ajs-ec

Defendants.

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**JOHNSON INTERVENOR-PLAINTIFFS' OPPOSITION TO THE  
WISCONSIN LEGISLATURE'S MOTION TO DISMISS**

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The Wisconsin Legislature has moved to dismiss the Johnson Intervenor-Plaintiffs' complaint for lack of jurisdiction. That motion should be denied.

The Johnson Intervenor-Plaintiffs are Wisconsin voters who live in malapportioned districts and who intervened in this case to protect their rights to an undiluted vote and to the state forum in which they have chosen to lodge their own redistricting complaint.

The Legislature principally argues that the Intervenor-Plaintiffs lack Article III standing and, relatedly, that this suit is not ripe, citing *Grove v. Emison* 507 U.S. 25 (1993). This Court rejected this line of argument in its September 16 order. ECF No. 60:4. It cited *Arrington v. Elections Bd.*, 173 F. Supp. 2d 856 (E.D. Wis. 2001), in which the Court concluded under analogous circumstances that the standing and

ripeness thresholds are met in light of the realistic threat of imminent injury to voting rights. *Arrington*, 173 F. Supp. at 862-66. The Legislature has provided no reason why, if the other complaints in this suit are not dismissed, the Johnson Intervenor-Plaintiffs' complaint should be, thereby denying the Intervenor-Plaintiffs the ability to protect their interests while this federal litigation proceeds.

Consequently, the Legislature's motion to dismiss should be denied but, of course, as the Johnson Intervenor-Plaintiffs have argued, *Grove v. Emison*, 507 U.S. 25 (1993), does require a stay while state redistricting proceedings advance. See ECF No. 79.

Dated this 6th day of October, 2021.

Respectfully submitted,

WISCONSIN INSTITUTE FOR LAW & LIBERTY  
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