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11 MAY -5 PM 1:01
DANE COUNTY
DISTRICT ATTORNEY

May 4, 2011

To:

Circuit Court for Dane County

Hon. Maryann Sumi
Dane County Circuit Court Judge
215 South Hamilton, Br. 2, Rm. 7105
Madison, WI 53703

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*Additional Parties listed on Pages 3 & 4

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You are hereby notified that the Court has entered the following order:

No. 2011AP765-W

State v. Circuit Court for Dane Co. L.C.#2011CV1244

A petition for supervisory writ pursuant to Wis. Stat. §§ (Rules) 809.71 and 809.51 and for immediate temporary relief pursuant to Wis. Stat. § (Rule) 809.52 having been filed on behalf of petitioners, State of Wisconsin and State of Wisconsin ex rel. Michael D. Huebsch, Secretary of the Wisconsin Department of Administration, and considered by this court;

IT IS ORDERED that the respondents, Circuit Court for Dane County, et al., shall each file a response to the petition for supervisory writ and for immediate temporary relief, with a supporting memorandum, on the issue of whether this court should accept jurisdiction over the petition for supervisory writ and on the merits of the substantive issues raised in the petition for supervisory writ, on or before May 18, 2011. The response and supporting memorandum

combined may not exceed 50 pages if a monospaced font is used or 11,000 words if a proportional serif font is used. In lieu of such a response, a respondent may file a letter stating that he, she or it does not intend to file a response, but that the petition is not thereby admitted. See Wis. Stat. § (Rule) 809.51(2).

IT IS FURTHER ORDERED that the petitioners shall file a single reply to the responses on or before May 27, 2011. The reply and supporting memorandum combined may not exceed 50 pages if a monospaced font is used or 11,000 words if a proportional serif font is used. The reply and supporting memorandum shall not incorporate by reference any portion of the petition for supervisory writ; instead, any material in that document upon which there is reliance should be restated in the reply.

IT IS FURTHER ORDERED that in addition to addressing the issues raised in the petition for supervisory writ, the responses and reply shall address: (1) whether the petition for supervisory writ should be dismissed because petitioners are not parties to the underlying action in the circuit court, see In re Petition of Heil, 230 Wis. 428, 284 N.W. 42 (1938-39); (2) whether the petition for supervisory writ should be recast as a petition for original action publici juris, see Wisconsin Professional Police Ass'n v. Lightbourn, 2001 WI 59, 243 Wis. 2d 512, 627 N.W.2d 807, and if recast, whether the parties should be realigned; (3) whether all respondents have been served with the petition for supervisory writ; (4) whether any of the respondents intend to raise any issues or objections regarding service of the petition for supervisory writ, including immunity; (5) whether the Department of Justice represents Jeff Fitzgerald, Scott Fitzgerald, Michael Ellis, Scott Suder, the Joint Committee on Conference, the Wisconsin Senate, and/or the Wisconsin Assembly, as it does in the circuit court; and (6) whether the Circuit Court for Dane County is represented by counsel and, if so, by whom.

IT IS FURTHER ORDERED that it is the court's intention to hold oral argument on June 6, 2011 at 9:45 a.m. Counsel are directed to set aside that date and time.

A. John Voelker
Acting Clerk of Supreme Court

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Page 4

May 4, 2011

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