FILED
12-01-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV002432

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

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| ELIZABETH BOTHFELD, *et al*.,<br><br>Plaintiffs,<br><br>v.<br><br>WISCONSIN ELECTIONS COMMISSION, *et al*.,<br><br>Defendants. | Declaratory Judgment<br>Case No. 2025CV002432<br>Case Code: 30701 |

**PLAINTIFFS' MOTION FOR ENTRY OF A BRIEFING SCHEDULE**

In light of the appointment of this Panel by the Wisconsin Supreme Court, Plaintiffs respectfully request entry of a prompt briefing schedule to resolve their pending motion for judgment on the pleadings.

This case concerns the constitutionality of Wisconsin's current congressional map. Plaintiffs filed their complaint on July 21, 2025, alleging that the process that led to the current congressional map's selection violated the separation of powers and that the map is an unconstitutional partisan gerrymander. Defendants filed an Answer and Statement of No Position on September 5, 2025. Dkt. No. 41. The same day, Plaintiffs moved for judgment on the pleadings on their separation of powers claim. Dkt. Nos. 43, 44. Plaintiffs then sought a briefing schedule on that motion, Dkt No. 46, but the court declined to set a schedule before the Wisconsin Supreme Court appointed a three-judge panel to hear the case and selected a venue. Dkt No. 48. On November 25, the Wisconsin Supreme Court appointed a panel and selected Dane County Circuit Court as the venue. Order at 4–5, *Bothfeld v. Wisconsin Elections Commission*, No. 2025XX001438 (Wis. Nov. 25, 2025). Accordingly, Plaintiffs now renew their request for a briefing schedule.

Plaintiffs' motion for judgment on the pleadings presents pure issues of law and has the potential to resolve this case on the merits. Plaintiffs' motion was filed on September 5, 2025, therefore all of the relevant parties have had access to the motion for nearly three months.[1] The issues raised in Plaintiffs' motion for judgment on the pleadings are of great public importance, and time is of the essence. If the congressional map is unconstitutional, as Plaintiffs allege, then it must be enjoined and replaced sufficiently far in advance of the upcoming August 2026 congressional primaries to ensure time for a new map that comports with the Wisconsin Constitution to be selected. To allow the court time necessary to resolve the pending dispositive motion sufficiently far in advance of the next federal election, Plaintiffs request the court set a briefing schedule on their motion for judgment on the pleadings.

Specifically, Plaintiffs propose the following schedule:

- Any opposition to Plaintiffs' motion for judgment on the pleadings (including any proposed opposition from would-be intervenors) due on December 10; and
- Plaintiffs' reply in support of the motion due on December 15.
- A hearing on Plaintiffs' motion during the week of December 15 or as soon as practicable thereafter.

Plaintiffs' counsel has conferred with counsel for Defendants, who advises that Defendants take no position on Plaintiffs' proposed briefing schedule.

[1] This includes the Republican Congressmen and voters who intervened at the Wisconsin Supreme Court to oppose the appointment of this Panel and who moved to intervene here on November 26, 2025. Dkt. No. 62. Plaintiffs do not oppose their intervention.

## CONCLUSION

Plaintiffs respectfully request that this court enter the attached briefing schedule.

Dated: December 1, 2025

By: *Electronically signed by Barret V. Van Sicklen*
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*Appearing *pro hac vice*
***Pro hac vice* application forthcoming