

SHORT RECORD
NO. 24-2931
FILED 10/28/2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOWN OF THORNAPPLE, WISCONSIN;
ANGELA JOHNSON, RALPH C.
KENYON, TOM ZELM, and JACK ZUPAN,
in their official capacities as Town Clerk and
Town Board Supervisors of the Town of
Thornapple; TOWN OF LAWRENCE,
WISCONSIN; CHARIDY LUDESCHER,
BOB NAWROCKI, STACY ZIMMER, and
DUANE BILLER, in their official capacities
as Town Clerk and Town Board Supervisors
of the Town of Lawrence; and STATE OF
WISCONSIN,

Case No.: 3:24-cv-664

Defendant.

NOTICE OF INTERLOCUTORY APPEAL

Notice is hereby given that Defendants, Town of Thornapple, Angela Johnson, Ralph C. Kenyon, Tom Zelm and Jack Zupan, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the Order Granting Preliminary Injunction (*see* Dkt. 27), entered on October 4, 2024 (Dkt. 27) by the Honorable James D. Peterson.

Dated this 25th day of October, 2024.

For Town of Thornapple, Wisconsin; Angela Johnson, Ralph C. Kenyon, Tom Zelm and Jack Zupan

/s/

RICHARD P. LAWSON (Pro hac vice)

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOWN OF THORNAPPLE, WISCONSIN;
ANGELA JOHNSON, RALPH C.
KENYON, TOM ZELM, and JACK ZUPAN,
in their official capacities as Town Clerk and
Town Board Supervisors of the Town of
Thornapple; TOWN OF LAWRENCE,
WISCONSIN; CHARIDY LUDESCHER,
BOB NAWROCKI, STACY ZIMMER, and
DUANE BILLER, in their official capacities
as Town Clerk and Town Board Supervisors
of the Town of Lawrence; and STATE OF
WISCONSIN,

Case No.: 3:24-cv-664

Defendants.

DOCKETING STATEMENT

Appellants, Town of Thornapple, Wisconsin, Angela Johnson, Ralph C. Kenyon, Tom Zelm and Jack Zupan (collectively, “Appellants”) submit this Docketing Statement under Seventh Circuit Rules 3(c)(1) and 28(a):

1. The district court has subject-matter jurisdiction over the operative complaint.
Specifically:
 - a. The district court has original jurisdiction over this matter under 28 U.S.C. §§ 1331, 1345, 2201(a) and 52 U.S.C. § 21111.
 - b. This Court has jurisdiction pursuant to 28 U.S.C. § 1292(a)(1).
2. Appellate jurisdiction exists under 28 U.S.C. § 1292(a)(1). Specifically:

- a. This appeal is taken from an Order Granting Preliminary Judgment of the United States District Court for the Western District of Wisconsin entered on October 4, 2024 (Dkt. 27), by the Honorable James D. Peterson.
- b. A joint proposed case management plan is currently before the District Court, in which the Parties propose to that the district court leave the preliminary injunction in effect and stay all other proceedings unrelated to enforcement of the injunction pending resolution of the instant appeal.
- c. There are no prior or related appellate proceedings.
- d. The issues on appeal center on the district court's conclusion that the United States established a reasonable likelihood of success on the merits and the presence of irreparable harm.
- e. Specifically, the district court denied the Defendants' motion to dismiss based on the statutory definition of "voter system" as used within the Help America Vote Act of 2002, 52 U.S.C. § 21081.
- f. The Defendants Kenyon, Zelm, and Zupan have been sued in representative capacities as members of the Town Board for Thornapple; Defendant Johnson is named in the official capacity of Town Clerk.
- g. A Notice of Appeal was filed with the district court on October 25, 2024.

Dated and signed this 25th day of October, 2024.

For Town of Thornapple, Wisconsin; Angela
Johnson, Ralph C. Kenyon, Tom Zelm and Jack
Zupan

/s/

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22 ** TEXT ONLY ORDER **

The court held a preliminary injunction hearing at which it also heard oral argument on a motion to dismiss filed by the Town of Thornapple defendants, Dkt. 13 . For reasons stated at the hearing, the motion to dismiss, Dkt. 13 , is DENIED; the United States' motion for a preliminary injunction against the Thornapple defendants, Dkt. 3 , is GRANTED; and the joint motion by the United States and the Town of Lawrence defendants for entry of a partial consent judgment and order, Dkt. 2 , is GRANTED. The United States and the Thornapple defendants have until the close of business on October 1, 2024, to submit to the court a proposed injunction; if they cannot agree to the terms, then the parties shall clearly and briefly identify their disagreements. This shall be a joint submission. The parties should also advise the court as to what they think should happen next to resolve this case in its entirety. The briefing schedule on the motion to dismiss is struck. Signed by District Judge James D. Peterson on 9/27/2024. (jls) (Entered: 09/27/2024)

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOWN OF THORNAPPLE, WISCONSIN; ANGELA JOHNSON, RALPH C. KENYON, TOM ZELM, and JACK ZUPAN, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Thornapple, TOWN OF LAWRENCE, WISCONSIN; CHARIDY LUDESCHER, BOB NAWROCKI, STACY ZIMMER, and DUANE BILLER, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Lawrence, and STATE OF WISCONSIN,

Defendants.

Civil Case No.: 3:24-cv-664

PARTIAL CONSENT JUDGMENT AND ORDER

Plaintiff United States of America initiated this action against the Town of Thornapple, Wisconsin (“Thornapple”); Angela Johnson, Ralph C. Kenyon, Tom Zelm, and Jack Zupan, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Thornapple (collectively, “Thornapple Defendants”); the Town of Lawrence, Wisconsin (“Lawrence”); Charidy Ludescher, Bob Nawrocki, Stacy Zimmer, and Duane Biller, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Lawrence (collectively, “Lawrence Defendants”), and the State of Wisconsin to enforce the requirements of Section 301 of the Help America Vote Act of 2002 (“HAVA”), 52 U.S.C. § 21081.

Section 301 requires, among other things, that each voting system used in an election for federal office be accessible for voters with disabilities in a manner that provides the same

opportunity for access and participation as other voters, including the opportunity to vote privately and independently. 52 U.S.C. § 21081(a)(3)(A). To satisfy this requirement, voting systems used in federal elections must include at least one voting system equipped for individuals with disabilities at each polling place. *Id.* § 21081 (a)(3)(B), (d).

Voters with disabilities are significantly more likely than other voters to experience difficulties while voting, often due to the inaccessibility of election infrastructure. For example, an audit run by the Wisconsin Elections Commission from 2022 to 2023 found an average of 5.9 accessibility problems per polling place, 44% of which were “high severity” problems, meaning they “would be likely to prevent a voter with a disability from entering a polling place and casting a ballot privately and independently.” Wisconsin Elections Commission, *Barriers Faced by Elderly Voters and Voters with Disabilities* at 3, 7-10 (June 2023), <https://perma.cc/R9H5-M6CZ>.

The United States’ Complaint alleges, among other things, that the Lawrence Defendants did not comply with the requirements of Section 301 of HAVA. Specifically, Lawrence failed to make available a voting system that is accessible for individuals with disabilities during the April 2, 2024 federal primary election. The Lawrence Defendants’ failure to ensure the availability of at least one required accessible voting system at each polling place violates Section 301 of HAVA.

The United States and the Lawrence Defendants, through counsel, have conferred in good faith and agree that, with regards to Lawrence and the Lawrence Defendants, this action should be settled without protracted and costly litigation. The United States and the Lawrence Defendants therefore propose to resolve this lawsuit through the terms of this Partial Consent Judgment and Order (“Order”). Accordingly, the United States and the Lawrence Defendants

hereby consent to the entry of this Order, as indicated by the signatures of counsel at the end of this Order. The United States and the Lawrence Defendants waive a hearing and the entry of findings of fact and conclusions of law on all issues specific to the Town of Lawrence and the Lawrence Defendants in this matter.

As part of their commitment to full compliance with Section 301 of HAVA, the Lawrence Defendants agree to each provision of this Order to resolve the issues in this case. Accordingly, the United States and the Lawrence Defendants stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to HAVA, 52 U.S.C. §§ 21081 *et seq.*

2. The Attorney General is authorized to bring a civil action against any state or jurisdiction to enforce the requirements of HAVA, 52 U.S.C. § 21111, and this Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 2201(a) and 52 U.S.C. § 21111.

3. The Lawrence Defendants are proper parties in this action.

4. Defendant Lawrence is a municipality in Rusk County within the Western District of Wisconsin. 28 U.S.C. § 130(b). Lawrence is governed by a Town Board, which is empowered to decide “all affairs of the town not committed by law to another body or officer or to a town employee.” Wis. Stat. § 60.22. The Town is subject to Section 301 requirements. 52 U.S.C. § 21081(d).

5. Defendant Charidy Ludescher is the Town Clerk for Lawrence. Wisconsin’s municipal clerks are responsible for administering elections, including purchasing and maintaining election equipment. *See* Wis. Stat. § 7.15(1); Wisconsin Election Administration Manual for Municipal Clerks (Feb. 2024), at 5, 113 (hereinafter “Manual”),

<https://perma.cc/7R8Z-439D>. The Town Clerk shall “perform the duties required by chs. 5 to 12 relating to elections,” which includes ensuring that accessible voting machines are available to all electors to cast their ballots. *See* Wis. Stat. §§ 60.33(4)(a), 5.25(4); Manual at 146.

6. Defendant Bob Nawrocki is Chairman of the Town Board of Lawrence.

7. Defendants Stacy Zimmer and Duane Biller are members of the Town Board of Lawrence.

8. Section 301 of HAVA (“Section 301”) sets certain general requirements for voting systems used in elections for federal office. 52 U.S.C. § 21081(a). As defined by HAVA, a “voting system” includes the “(1) total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used . . . (B) to cast and count votes . . .” *Id.* § 21081(a)(6)(b).

9. Among other things, Section 301 requires that each voting system used in an election for federal office “be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.” 52 U.S.C. § 21081(a)(3)(A). To satisfy this requirement, any voting system in use on or after January 1, 2006, must include “at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.” *Id.* § 21081(a)(3)(B), (d).

10. Section 301’s minimum requirement for accessible voting systems at each polling place applies to all jurisdictions without regard to the size of the population within the jurisdiction and without regard to whether and how many voters with disabilities reside there.

11. Each state and each state sub-jurisdiction that administers elections must comply with Section 301 requirements. 52 U.S.C. § 21081(d).

12. On January 16, 2023, Lawrence's Town Board (the "Lawrence Board") passed the following motion: "For the next election coming up on 2/21/23 the board decided we will not be turning on the voting machine" (the "January 16 decision").

13. On September 6, 2024, the Lawrence Board voted to rescind the January 16, 2023, decision as part of this agreement.

14. For the April 2, 2024, federal primary election, Lawrence failed to make available a voting system in each polling place that was accessible for individuals with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

It is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The Lawrence Defendants are subject to the requirements of Section 301 of HAVA. 52 U.S.C. § 21081(d).

2. The Lawrence Defendants' failure to ensure the availability of at least one required accessible voting system at each polling place in Lawrence, as set forth above, violates Section 301 of HAVA.

3. The Lawrence Defendants, their agents, employees, contractors, successors, and all other persons representing the interest of the Lawrence Defendants are hereby required to ensure that Lawrence's voting systems are accessible for individuals with disabilities by using at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place in the State, for each election for federal office, as required by Section 301 of HAVA, 52 U.S.C. § 21081(a)(3)(B).

4. The Lawrence Defendants are further enjoined from engaging in any act or practice that denies the rights secured by Section 301 of HAVA, 52 U.S.C. § 21081.

5. The terms of this Order apply to all elections for federal office held in Lawrence.

6. The Lawrence Defendants shall ensure that during elections for federal office every polling place in Lawrence has available at least one voting system equipped for individuals with disabilities as required by Section 301 of HAVA. The portion of the voting system that is equipped for individuals with disabilities at each polling place shall, for the full period that the polling place is required to be open under Wisconsin State law, be plugged into a functioning electrical outlet, turned on, and readily visible and accessible to voters. At each polling place, signage will be posted prominently containing the following language: “Accessible voting equipment that can assist any voter in marking their ballot is available for use.”

7. The Lawrence Defendants shall ensure that for future federal elections, all appropriate election officers and officials in Lawrence—including but not limited to municipal clerks, Supervisors, Election Inspectors, and Chief Election Inspectors—receive appropriate training on how to implement HAVA-compliant accessible voting systems, update any relevant materials within their control, monitor compliance with Section 301 requirements, and take any other steps necessary to ensure the availability of at least one required accessible voting system in every polling place in Lawrence.

8. The Lawrence Defendants shall ensure that the voting system is maintained in good working order and that all software and other updates to that system are applied in a timely fashion.

9. Within 14 days after every federal primary and general election that occurs during the effective period of this Order, the Lawrence Defendants shall file with this Court a

certification signed by the Town Clerk that each requirement in Paragraphs 6-8 of this Order was complied with during that election.

10. Upon reasonable notice from the United States, the Lawrence Defendants shall permit a representative of the United States Department of Justice to enter any Lawrence polling place for the sole purpose of monitoring compliance with this Order.

11. The Lawrence Defendants shall make available to the United States upon request any non-privileged documents created or maintained by the Lawrence Defendants regarding compliance with this Order or compliance with Section 301 of HAVA, including any relevant documents that the Lawrence Defendants may be required to produce or retain under Wisconsin State law.

12. This Order is final and binding between the United States and the Lawrence Defendants and their successors in office regarding the claims raised in this action.

13. All parties to this order shall bear their own costs, expenses, and attorneys' fees in this case.

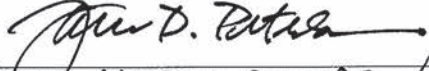
14. The Order shall take effect immediately upon being approved by the Court and entered upon the docket ("the effective date").

15. This Order shall remain in effect from its effective date until December 31, 2028, unless a party obtains an extension pursuant to Paragraph 16.

16. This Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this Order and to ensure compliance with Section 301 of HAVA. For good cause shown, any party may move to extend the Order or to reopen the case.

SO ORDERED.

This 27TH day of SEPT., 2024


HON. JAMES D. PETERSON
UNITED STATES DISTRICT JUDGE

Entered this 27th day of September, 2023.

By: s/J. Smith, Deputy Clerk
Joel Turner, Clerk of Court

The Undersigned Agree to Entry of this Consent Judgment and Order:

For Plaintiff United States of America:

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Assistant Attorney General
Civil Rights Division

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/s/ Brian Remlinger
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For Lawrence Defendants:

Robert A. Nowinski - Chairman
Shane Biller - Member
Chandy Ludeschek - Attest as Clerk

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOWN OF THORNAPPLE, WISCONSIN; ANGELA JOHNSON, RALPH C. KENYON, TOM ZELM, and JACK ZUPAN, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Thornapple; TOWN OF LAWRENCE, WISCONSIN; CHARIDY LUDESCHER, BOB NAWROCKI, STACY ZIMMER, and DUANE BILLER, in their official capacities as Town Clerk and Town Board Supervisors of the Town of Lawrence; and STATE OF WISCONSIN,

Defendants.

Civil Case No. 3:24-cv-664-jdp

**ORDER GRANTING
PRELIMINARY INJUNCTION**

ORDER GRANTING PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65 and upon consideration of the United States' Motion for a Preliminary Injunction, its memorandum in support, its proposed statement of record facts and supporting declarations, and the arguments and evidence presented at the hearing on September 27, 2024, this Court finds that the United States has established that it is entitled to the relief that it requests and GRANTS its Motion for a Preliminary Injunction.

The Court hereby finds that:

Thornapple Defendants have violated Section 301 of the Help America Vote Act, 52 U.S.C. § 21081, by failing to provide a voting system equipped for individuals with disabilities at each polling place in the Town of Thornapple during the April 2, 2024, and August 13, 2024, federal primary elections. Paper ballot voting systems are included in HAVA's definition of a

voting system, 52 U.S.C. § 21081(b), and therefore must comply with the requirements of Section 301.

Accordingly, it is ORDERED as follows:

(1) Thornapple Defendants, their employees, agents, and successors in office, and all persons acting in concert with them, shall ensure that during the November 5, 2024, federal general election, every polling place in Thornapple has available a voting system equipped for individuals with disabilities as required by Section 301 of HAVA, 52 U.S.C. § 21081(a)(3), and that that voting system is, for the full period that the polling place is required to be open under Wisconsin State law, plugged into a functioning electrical outlet, turned on, and readily visible and accessible to voters;

(2) Thornapple Defendants shall prominently post signage in every Thornapple polling place alerting voters that an accessible voting system is available for use;

(3) Thornapple Defendants shall ensure that all appropriate election officers and officials in Thornapple receive appropriate training on how to implement HAVA-compliant accessible voting systems, update any relevant materials within their control, monitor compliance with Section 301 requirements, and take any other steps necessary to ensure the availability of at least one required accessible voting system in every polling place in Thornapple;

(4) Thornapple Defendants shall permit representatives of the United States Department of Justice to enter any Thornapple polling place for the sole purpose of monitoring compliance with this Court's remedial order during the November 5, 2024, federal general election;

(5) Thornapple Defendants shall certify to this Court by filing, no later than close of


business on October 31, 2024, a statement that the HAVA-compliant voting system Thornapple will use for the November 5, 2024 election has undergone all pre-election testing required by state law, *see* Wisc. Stat. § 5.84(1), and is otherwise fully prepared for use on Election Day;

(6) Thornapple Defendants shall not enforce the Town Board of Thornapple's June 13, 2023, decision to "stop use of the electronic voting machine" to the extent it is inconsistent with this Order;

(7) Thornapple Defendants shall cooperate fully with the State of Wisconsin and any State agency's efforts to enforce federal law regarding the provision of accessible voting systems for use in elections; and

(8) The Court retains jurisdiction of this action to enter such further relief as may be necessary for the effectuation of the terms of this Order, and for the entry of such permanent relief as appropriate to ensure Thornapple Defendants' future HAVA compliance.

ORDERED this 4TH day of OCTOBER, 2024.


HON. JAMES D. PETERSON
UNITED STATES DISTRICT JUDGE

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:24-cv-00664-jdp

United States of America v. Town of Thornapple, Wisconsin et al
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Anita Marie Boor
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/20/2024
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

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Defendant**Bob Nawrocki***Lawrence Town Board Supervisor*

represented by **Richard J. Summerfield**
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Defendant**Stacy Zimmer***Lawrence Town Board Supervisor*

represented by **Richard J. Summerfield**
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Defendant**Duane Biller***Lawrence Town Board Supervisor*

represented by **Richard J. Summerfield**
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Defendant**State of Wisconsin**

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Date Filed	#	Docket Text
09/20/2024	<u>1</u>	COMPLAINT against All Defendants., filed by United States of America. (Attachments: # <u>1</u> JS-44 Civil Cover Sheet, # <u>2</u> Attachment to JS-44 Civil Cover Sheet) (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	<u>2</u>	Joint Motion to Enter Consent Decree by Plaintiff United States of America. (Attachments: # <u>1</u> Partial Consent Judgment and Order, # <u>2</u> Certificate of Service) (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024		Case randomly assigned to District Judge James D. Peterson and Magistrate Judge Anita Marie Boor. (lak) (Entered: 09/20/2024)
09/20/2024		Standard attachments for Judge James D. Peterson required to be served on all parties with summons or waiver of service: NORTC, Corporate Disclosure Statement . (lak) (Entered: 09/20/2024)
09/20/2024	<u>3</u>	MOTION FOR PRELIMINARY INJUNCTION by Plaintiff United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service) (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	<u>4</u>	Brief in Support of <u>3</u> Motion for Preliminary Injunction by Plaintiff United States of America (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	<u>5</u>	Proposed Findings of Fact filed by Plaintiff United States of America re: <u>3</u> Motion for Preliminary Injunction (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	<u>6</u>	Declaration of Brian Remlinger filed by Plaintiff United States of America re: <u>3</u> Motion for Preliminary Injunction (Attachments: # <u>1</u> Exhibit 1 - Excerpt from Excel file "Accessible Voting Equipment List by Municipality 2022", # <u>2</u> Exhibit 2 - Letter from R. Tamar Hagler to Suzanne Pinnow, # <u>3</u> Exhibit 3 - Email response from Suzanne Pinnow, # <u>4</u> Exhibit 4 - Thornapple Town Board Meeting Minutes for June 13, 2023, # <u>5</u> Exhibit 5 - Letter from United States Assistant Attorney General Kristen Clarke to Wisconsin Election Officials) (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	<u>7</u>	Declaration of Erin Webster filed by Plaintiff United States of America re: <u>3</u> Motion for Preliminary Injunction (Remlinger, Brian) (Entered: 09/20/2024)
09/20/2024	8	** TEXT ONLY ORDER ** The United States alleges that two Wisconsin towns have violated section 301 of

		the federal Help America Vote Act by failing to have at least one electronic voting system for use by disabled voters. The United States and the Town of Lawrence have negotiated a consent judgment, which the court is prepared to enter. However, the court will forestall action on the consent judgment until the State of Wisconsin has the opportunity to respond. The United States moves for a preliminary injunction against the Town of Thornapple. The court will hold an evidentiary hearing on the motion for injunction at 11:00 a.m., September 27, 2024. The Town of Thornapple has until September 25 to file any opposition. Any response to the proposed consent judgment or the motion for preliminary injunction from the State of Wisconsin must be filed by September 25. The United States may reply by September 26. Signed by District Judge James D. Peterson on 9/20/2024. (jls) (Entered: 09/20/2024)
09/25/2024	9	Notice of Appearance filed by Charlotte Gibson for Defendant State of Wisconsin. (Gibson, Charlotte) (Entered: 09/25/2024)
09/25/2024	10	Notice of Appearance filed by Lynn Kristine Lodahl for Defendant State of Wisconsin. (Lodahl, Lynn) (Entered: 09/25/2024)
09/25/2024	11	Notice of Appearance filed by Eric M. McLeod for Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. (McLeod, Eric) (Entered: 09/25/2024)
09/25/2024	12	Corporate Disclosure Statement by Defendant Town of Thornapple, Wisconsin. (McLeod, Eric) (Entered: 09/25/2024)
09/25/2024	13	MOTION TO DISMISS by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. Brief in Opposition due 10/16/2024. Brief in Reply due 10/28/2024. (McLeod, Eric) (Entered: 09/25/2024)
09/25/2024	14	Notice of Appearance filed by Rebecca Furdek for Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. (Furdek, Rebecca) (Entered: 09/25/2024)
09/25/2024	15	Response re: 8 Text Only Order,,,,, Set Deadlines/Hearings,,,, by Defendant State of Wisconsin. (Attachments: # 1 Exhibit Frequently Asked Questions Regarding the Use of Electronic Voting Equipment in Wisconsin Elections) (Gibson, Charlotte) (Entered: 09/25/2024)
09/26/2024	16	Motion to Appear by Telephone at 9/27/2024 Videoconference by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. (McLeod, Eric) Modified on 9/26/2024. (lak) (Entered: 09/26/2024)
09/26/2024	17	Motion to Admit Richard P Lawson Pro Hac Vice. (Pro Hac Vice fee \$100 receipt number AWIWDC-3497314.) by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. (Lawson, Richard) Modified on 9/26/2024 (jls). (Entered: 09/26/2024)
09/26/2024	18	** TEXT ONLY ORDER ** The motion to admit Richard P. Lawson pro hac vice, Dkt. 17 is GRANTED. The motion to conduct the injunction hearing by teleconference, Dkt. 16 , is DENIED. The court will allow attorney Lawson to appear by videoconference. The hearing is moved to Courtroom 360. Signed by District Judge James D. Peterson on 9/26/2024. (jls) (Entered: 09/26/2024)

09/26/2024	19	Waiver of Service Returned Executed by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. Angela Johnson waiver sent on 9/20/2024, answer due 11/19/2024; Ralph C. Kenyon waiver sent on 9/20/2024, answer due 11/19/2024; Town of Thornapple, Wisconsin waiver sent on 9/20/2024, answer due 11/19/2024; Tom Zelm waiver sent on 9/20/2024, answer due 11/19/2024; Jack Zupan waiver sent on 9/20/2024, answer due 11/19/2024. (Attachments: # 1 Executed Waiver - Jack Zupan, # 2 Executed Waiver - Angela Johnson, # 3 Executed Waiver - Ralph C. Kenyon, # 4 Executed Waiver - Tom Zelm) (Oswald, Barbara) (Entered: 09/26/2024)
09/26/2024	20	Waiver of Service Returned Executed by Defendant State of Wisconsin. State of Wisconsin waiver sent on 9/20/2024, answer due 11/19/2024. (Oswald, Barbara) (Entered: 09/26/2024)
09/26/2024	21	Brief in Reply by Plaintiff United States of America in Support of 3 Motion for Preliminary Injunction (Turner, Margaret) (Entered: 09/26/2024)
09/27/2024	22	** TEXT ONLY ORDER ** The court held a preliminary injunction hearing at which it also heard oral argument on a motion to dismiss filed by the Town of Thornapple defendants, Dkt. 13 . For reasons stated at the hearing, the motion to dismiss, Dkt. 13 , is DENIED; the United States' motion for a preliminary injunction against the Thornapple defendants, Dkt. 3 , is GRANTED; and the joint motion by the United States and the Town of Lawrence defendants for entry of a partial consent judgment and order, Dkt. 2 , is GRANTED. The United States and the Thornapple defendants have until the close of business on October 1, 2024, to submit to the court a proposed injunction; if they cannot agree to the terms, then the parties shall clearly and briefly identify their disagreements. This shall be a joint submission. The parties should also advise the court as to what they think should happen next to resolve this case in its entirety. The briefing schedule on the motion to dismiss is struck. Signed by District Judge James D. Peterson on 9/27/2024. (jls) (Entered: 09/27/2024)
09/27/2024	23	Partial Consent Judgment and Order. Signed by District Judge James D. Peterson on 9/27/2024. (jls) (Entered: 09/27/2024)
09/27/2024	24	Minute Entry for proceedings held before District Judge James D. Peterson: Preliminary injunction hearing held on 9/27/2024. [1:20] (Court Reporter JD.) (jef) (Entered: 09/27/2024)
09/30/2024	25	Transcript of Evidentiary Hearing, held 9/27/24 before Judge James D. Peterson. Court Reporter: JLD. Please review the court's policy regarding electronic transcripts of court proceedings: see Electronic Transcript Instructions . (jat) (Entered: 09/30/2024)
10/01/2024	26	Response re: 22 Text Only Order,,, by Plaintiff United States of America. (Attachments: # 1 Text of Proposed Order) (Remlinger, Brian) (Entered: 10/01/2024)
10/04/2024	27	PRELIMINARY INJUNCTION. Signed by District Judge James D. Peterson on 10/4/2024. (jls) (Entered: 10/04/2024)

10/08/2024	28	Motion for Extension of Time to <i>Submit Proposed Case Management Schedule</i> by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan. (McLeod, Eric) (Entered: 10/08/2024)
10/09/2024	29	** TEXT ONLY ORDER ** ORDER granting 28 Motion for Extension of Time to Submit Proposed Case Management Schedule. Signed by Magistrate Judge Anita Marie Boor on 10/9/2024. (jls) (Entered: 10/09/2024)
10/16/2024	 30	Status Report - <i>Joint Proposed Case Management Plan</i> by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan (Attachments: # 1 Text of Proposed Order) (McLeod, Eric) Modified on 10/16/2024. (lak) (Entered: 10/16/2024)
10/25/2024	31	NOTICE OF APPEAL - INTERLOCUTORY by Defendants Angela Johnson, Ralph C. Kenyon, Town of Thornapple, Wisconsin, Tom Zelm, Jack Zupan as to 22 Text Only Order,,,, 27 Preliminary Injunction. Filing fee of \$ 605, receipt number AWIWDC-3511312 paid. Docketing Statement filed. (Attachments: # 1 Docketing Statement) (Lawson, Richard) (Entered: 10/25/2024)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF CASE OPENING

October 28, 2024

No. 24-2931	<p style="text-align: center;">UNITED STATES OF AMERICA, Plaintiff - Appellee</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">TOWN OF THORNAPPLE, WISCONSIN, et al., Defendants - Appellants</p>
Originating Case Information:	
District Court No. 3:24-cv-00664-jdp Western District of Wisconsin District Judge James D. Peterson Clerk/Agency Rep Joel W. Turner Case filed: 10/28/2024 Case type: cv/us Fee status: Paid Date of Judgment: 10/04/2024 Date NOA filed: 10/25/2024	

The above-captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit.

Deadlines:

<u>Appeal No.</u>	<u>Filer</u>	<u>Document</u>	<u>Due Date</u>
24-2931	Angela Johnson	Transcript information sheet	11/12/2024
24-2931	Ralph C. Kenyon	Transcript information sheet	11/12/2024
24-2931	Town of Thornapple, Wisconsin	Transcript information sheet	11/12/2024
24-2931	Tom Zelm	Transcript information sheet	11/12/2024

24-2931	Jack Zupan	Transcript information sheet	11/12/2024
24-2931	Angela Johnson	Appellant's brief	12/09/2024
24-2931	Ralph C. Kenyon	Appellant's brief	12/09/2024
24-2931	Town of Thornapple, Wisconsin	Appellant's brief	12/09/2024
24-2931	Tom Zelm	Appellant's brief	12/09/2024
24-2931	Jack Zupan	Appellant's brief	12/09/2024

THIS NOTICE SHALL NOT ACT AS A SUBSTITUTE FOR MOTIONS FOR NON-INVOLVEMENT / SUBSTITUTION OF COUNSEL. COUNSEL ARE STILL REQUIRED TO FILE THE APPROPRIATE MOTIONS.

The docketing of an appeal in this court requires litigants and their counsel to comply with several requirements and rules. This notice calls to your attention that the Practitioner's Handbook For Appeals to the United States Court of Appeals for the Seventh Circuit should always be consulted to make sure you comply with all rules and court procedures. The full text of the most current versions of the Handbook, the Federal Rules of Appellate Procedure, the Circuit Rules, court forms and checklists are available at <https://www.ca7.uscourts.gov> or can be obtained from the Clerk's Office upon request. Counsel and parties are reminded to always check the most current rules.

Important Scheduling Notice!

If a case is designated to proceed to oral argument, hearing notices will be mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than seven days after the filing of the appellee's brief. See Cir. R. 34(b)(3), (4). The court's calendar is located at <https://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. See Cir. R. 34(b)(4), (e).

form name: **c7_Docket_Notice** (form ID: 108)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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NOTICE OF DOCKETING - Short Form

October 28, 2024

The below captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit:

Appellate Case No: 24-2931

Caption:

UNITED STATES OF AMERICA,
Plaintiff - Appellee

v.

TOWN OF THORNAPPLE, WISCONSIN, et al.,
Defendants - Appellants

District Court No: 3:24-cv-00664-jdp

District Judge James D. Peterson

Clerk/Agency Rep Joel W. Turner

Date NOA filed in District Court: 10/25/2024

If you have any questions regarding this appeal, please call this office.