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Supreme Court of Wisconsin

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September 27, 2012

To:

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

No. 2012AP1652

Milwaukee Branch of the NAACP v. Scott Walker L.C.#2011CV5492

On August 21, 2012, a petition to bypass the court of appeals pursuant to Wis. Stat. §§ 808.05 and 809.60, a motion to stay permanent injunction, and a motion to consolidate this matter with No. 2012AP584-AC, League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker (League of Women Voters),¹ were filed on behalf of defendants-appellants, Scott Walker, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger and Timothy Vocke. The court notes that all opening briefs on appeal have not yet been filed. On September 10, 2012, a motion for leave to file a non-party brief *amicus curiae* in support of the petition to bypass was filed on behalf of Margaret Farrow, George Mitchell, Mike

¹ A petition to bypass, motion to stay permanent injunction, and motion to consolidate were also filed in League of Women Voters.

Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson. The court having considered all of the foregoing;

IT IS ORDERED that the motion for leave to file a non-party brief *amicus curiae* is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order (Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, § 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Diane M. Fremgen
Clerk of Supreme Court