

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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<p>ONE WISCONSIN INSTITUTE, INC., <i>et al.</i></p> <p>Plaintiffs,</p> <p>v.</p> <p>MARK L. THOMSEN, <i>et al.</i></p> <p>Defendants.</p>	<p>Case No. 3:15-cv-324</p>
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**PLAINTIFFS’ MOTION FOR EXPEDITED STATUS CONFERENCE REGARDING  
DEFENDANTS’ COMPLIANCE WITH THIS COURT’S PERMANENT INJUNCTION  
AND THE UNDERSTANDINGS SET FORTH IN THE  
AUGUST 26, 2016 EN BANC SEVENTH CIRCUIT ORDER**

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Plaintiffs, by their undersigned counsel, respectfully move this Court to conduct an expedited status conference regarding Defendants’ compliance with the Court’s July 29, 2016 permanent injunction (Dkt. 234, as modified by Dkt. 255) and the “understandings” set forth in the Seventh Circuit’s August 26, 2016 order denying Plaintiffs’ petition for initial hearing en banc. *See One Wisconsin Institute, Inc. v. Thomsen*, Seventh Cir. Nos. 16-3083 & 16-3091, Dkt. 21 (as amended Aug. 29, 2016, Dkt. 22).

The Seventh Circuit’s en banc order “conclude[d] that the urgency needed to justify an initial en banc hearing ha[d] not been shown,” based on two “understandings”:

- “[T]he State’s representation [to the Seventh Circuit] that ‘initiation’ of the IDPP means only that the voter must show up at a DMV with as much as he or she has, and that the State will not refuse to recognize the ‘initiation’ of the process because a birth

certificate, proof of citizenship, Social Security card, or other particular document is missing[.]” Seventh Circuit En Banc Order at 4.<sup>1</sup>

- “Our understanding depends also on the State’s compliance with the district court’s second criterion [in its permanent injunction], namely, that the State adequately inform the general public that those who enter the IDPP will promptly receive a credential for voting, unless it is plain that they are not qualified.” *Id.*

The en banc Seventh Circuit emphasized that “[t]he Western District has the authority to monitor compliance with its injunction, and we trust that it will do so conscientiously between now and the November 2016 election.” *Id.*

The purpose of the requested expedited status conference is to discuss how best to monitor the State’s compliance with this Court’s injunction and with the State’s representations and assurances to the Seventh Circuit. Plaintiffs’ counsel have advised counsel for the State of their intent to move for an expedited status conference, and Defendants have agreed to produce to Plaintiffs certain materials relating to the IDPP and Defendants’ compliance with the Court’s injunction as it relates to the IDPP.

Counsel for both parties are available any time Monday afternoon, September 12, if the Court has any availability then. If not, Plaintiffs respectfully request that the Court schedule an expedited status conference at its early convenience.

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<sup>1</sup> The Seventh Circuit en banc order quoted the following representation in one of the State’s appellate filings in *Frank v. Walker*: “[T]he State has already voluntarily accommodated any concerns relating to the November 2016 election. Specifically, Wisconsin has enacted a rule that requires the Division of Motor Vehicles (‘DMV’) to mail automatically a free photo ID to *anyone who comes to DMV one time and initiates the free ID process*. See Wis. EmR1618, § 10. *No one must present documents, that, for some, have proved challenging to acquire; no one must show a birth certificate, proof of citizenship, and the like*. *Id.* § 6.” Seventh Circuit En Banc Order at 4 (emphasis added).

DATED: September 11, 2016

Respectfully submitted,

**PERKINS COIE LLP**

By /s/ Bruce Spiva

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