



## HOLWELL SHUSTER & GOLDBERG REPRESENTS DEMOCRATIC PARTY OF WISCONSIN AND VOTERS IN FEDERAL LAWSUIT CHALLENGING LAME-DUCK EFFORT TO BLUNT ELECTORAL RESULTS

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**N**ew York—Holwell Shuster & Goldberg LLP today filed a lawsuit in the U.S. District Court for the Western District of Wisconsin on behalf of the Democratic Party of Wisconsin and a group of Wisconsin voters to enjoin unprecedented laws passed during an extraordinary lame-duck session of the Wisconsin state legislature to countermand the electoral results.

The laws, which stripped executive powers from Wisconsin Governor Tony Evers and Wisconsin Attorney General Joshua Kaul shortly after they were elected and transferred those same powers to the Republican-controlled legislature, are being challenged under the United States Constitution’s Guarantee Clause, the First Amendment, and the Equal Protection Clause of the Fourteenth Amendment. It was reported that this was the first time in state history that an extraordinary session had been used to restrict the power of an incoming governor and attorney general in any way.

“This unprecedented lame-duck session was organized to strip the incoming governor and attorney general of powers that had been exercised by predecessor administrations and to transfer those powers to legislators,” said Vincent Levy, partner at HSG and counsel of record for the plaintiffs. “Voters thought they were getting one thing, and the lame-duck legislature gave them another. Voters elected to have Evers and Kaul employ the powers of the office to pursue policy that was at the core of their campaigns. But the lame-duck session placed those powers in the hands of legislators not selected by voters to wield those executive powers.”

HSG has also filed a motion for preliminary injunctive relief. The memorandum filed in support of that motion, available here, argues that: “In this extraordinary case, Defendants went more than a bridge too far. Following [then-Governor Scott] Walker’s electoral defeat, they set out to recalibrate the balance of authority so as to consolidate power in Republican hands and thwart the will of Wisconsin’s voters after they had already decided which candidates would wield which powers. Defendants expressly targeted the policy preferences voiced by incoming-Governor Evers and incoming-Attorney General Kaul on the campaign trail — policies, to repeat, that had been central to the campaigns and that Wisconsin’s people had voted on.”

The federal lawsuit, titled *DPW v. Vos et al.*, was filed in the Western District of Wisconsin. HSG associates Kevin Benish and Timothy Grinsell are also representing the plaintiffs. Susan A. Zylstra of Boardman & Clark LLP is co-counsel for the plaintiffs.