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Supreme Court of Wisconsin

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CLERK OF WISCONSIN
SUPREME COURT

July 2, 2024

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Circuit Court Judge
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*Distribution List Continued on Page 3.

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

No. 2023AP2362

Kaul v. Urmanski, L.C.#2022CV1594

There are a number of filings currently pending before the court in this matter. Defendant-appellant, District Attorney Joel Urmanski, has filed a petition to bypass the court of appeals, with a supporting appendix. Separate responses to that petition were filed by intervenors-respondents, Christopher J. Ford, Kristin J. Lyerly, and Jennifer Jury McIntosh (“the Intervenor Physicians”) and defendants, District Attorney Ismael R. Ozanne and District Attorney John T. Chisolm. A supplemental petition to bypass was filed by plaintiffs-respondents, Attorney General Josh Kaul, Wisconsin Department of Safety and Professional Services, Wisconsin Medical Examining Board, and Clarence P. Chou, M.D. (the “State Plaintiffs”). District Attorney Urmanski filed a response to the supplemental petition to bypass. A conditional motion to intervene or, in the alternative, a motion to file an amicus brief along with a supporting memorandum, a proposed brief in response to the supplemental petition to bypass, and supporting affidavits were filed by Wisconsin Right to Life, Wisconsin Family Action, and Pro-Life Wisconsin (the “Proposed Intervenor”). The motion to intervene indicates that, in the event the court denies the supplemental petition to bypass, the motion to intervene should be denied and the court should consider the alternative motion for leave to file a nonparty brief amicus curiae. Responses to those alternative motions were submitted by the State Plaintiffs, the Intervenor Physicians, and District Attorneys Ozanne and Chisolm. The court having considered all of the foregoing filings,

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IT IS ORDERED that defendant-appellant's petition to bypass is granted, the appeal is accepted for consideration in this court, and the defendant-appellant may not raise or argue issues not set forth in the petition to bypass unless otherwise ordered by the court; and

IT IS FURTHER ORDERED that District Attorneys Ismael R. Ozanne and John T. Chisolm shall be designated as defendants-respondents on appeal; and

IT IS FURTHER ORDERED that the State Plaintiffs' supplemental petition to bypass is denied, and the parties' briefs in this case should not address whether the Wisconsin Constitution contains a right to obtain a consensual medical abortion; and

IT IS FURTHER ORDERED that the Proposed Intervenors' conditional motion to intervene is denied, but their alternative motion for leave to file a non-party brief amici curiae in response to the supplemental petition to bypass is granted, and the proposed brief in response to the supplemental petition to bypass is accepted for filing and has been considered by the court; and

IT IS FURTHER ORDERED that, within 40 days of the date of this order, defendant-appellant must file a brief in this court, and within 30 days of filing all parties to the case wishing to respond must file separate response briefs. Each principal brief shall not exceed 70 pages if a monospaced font is used or 15,400 words if a proportional serif font is used. Within 10 days of filing of the response briefs, the defendant-appellant must file either a single reply brief or a statement that no reply brief will be filed. The reply brief shall not exceed 20 pages if a monospaced font is used or 4,400 words if a proportional serif font is used; and

IT IS FURTHER ORDERED that any non-party that wishes to file a non-party brief amici curiae relating to the issues listed in the petition to bypass must file a motion for leave of the court to file a non-party brief pursuant to the requirements of Wis. Stat. § (Rule) 809.19(7). Non-parties should also consult this court's Internal Operating Procedure concerning the nature of non-parties who may be granted leave to file a non-party brief. A proposed non-party brief must accompany the motion for leave to file it. Any proposed non-party brief shall not exceed 20 pages if a monospaced font is used or 4,400 words if a proportional serif font is used. Any motion for leave with the proposed non-party brief attached shall be filed no later than seven days after the filing of the last response brief. Any submission by a non-party that does not comply with Wis. Stat. § (Rule) 809.19(7) and any proposed non-party brief for which this court does not grant leave will not be considered by the court.

Samuel A. Christensen
Clerk of Supreme Court

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