

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

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VIRGINIA WOLF and CAROL SCHUMACHER,
KAMI YOUNG and KARINA WILLES,
ROY BADGER and GARTH WANGEMANN,
CHARVONNE KEMP and MARIE CARLSON,
JUDITH TRAMPF and KATHARINA HEYNING,
SALUD GARCIA and PAM KLEISS,
WILLIAM HURTUBISE and LESLIE PALMER,
JOHANNES WALLMANN and KEITH BORDEN,

Plaintiffs,

v.

ORDER

14-cv-64-bbc

SCOTT WALKER, in his official capacity as
Governor of Wisconsin,
J.B. VAN HOLLEN, in his official capacity as
Attorney General of Wisconsin,
RICHARD G. CHANDLER, in his official capacity as
Secretary of Revenue of Wisconsin,
OSKAR ANDERSON, in his official capacity as
State Registrar of Wisconsin,
GARY KING, in his official capacity as
Eau Claire County District Attorney,
JOHN CHISHOLM, in his official capacity as
Milwaukee County District Attorney,
JOSEPH CZARNEZKI, in his official capacity as
Milwaukee County Clerk,
WENDY CHRISTENSEN, in her official capacity as
Racine County Clerk and
SCOTT MCDONELL, in his official capacity as
Dane County Clerk,

Defendants.

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Julaine K. Appling, Jo Egelhoff, Jaren E. Hiller, Richard Kessenich and Edmund L. Webster have filed a motion for leave to file an amicus brief in this case challenging Wisconsin's ban on marriage between same-sex couples. Appling, Egelhoff, Hiller, Kessenich and Webster are either directors or officers of Wisconsin Family Action, which is a "Wisconsin not-for-profit organization engaged in public education and advocacy regarding marriage, family and social issues. Dkt. # 99 at 2. They argue that they have a unique perspective on the issues because they were involved in the drafting, passage and ratification of Wis. Const. § art. XIII, § 13, which limits marriage to opposite-sex couples. In addition, they "have engaged in substantive litigation regarding the meaning and application of the" state constitutional amendment over the last four years. Dkt. #99 at 5.

It is impossible to know before seeing the brief whether it will have useful information, but it is plausible that Appling may present a perspective different from that of defendants. Further, courts in other cases involving challenges to bans on same-sex marriage have allowed groups with similar interests to file amicus briefs. E.g., Brenner v. Scott, 4:14CV107-RH/CAS, 2014 WL 1652418 (N.D. Fla. Apr. 24, 2014); Tanco v. Haslam, 3:13-CV-01159, 2014 WL 997525 (M.D. Tenn. Mar. 14, 2014); Bourke v. Beshear, 3:13-CV-750-H, 2014 WL 556729 (W.D. Ky. Feb. 12, 2014); Obergefell v. Wymyslo, 962 F. Supp. 2d 968, 975 (S.D. Ohio 2013); Jackson v. Abercrombie, 884 F. Supp. 2d 1065, 1074 (D. Haw. 2012). Finally, I see little prejudice to plaintiffs in allowing the brief. Appling has promised to file the brief by May 14, 2014 and I will extend plaintiffs' deadline for filing a reply brief to accommodate the additional brief.

ORDER

IT IS ORDERED that the motion filed by Julaine K. Appling, Jo Egelhoff, Jaren E. Hiller, Richard Kessenich and Edmund L. Webster to file an amicus brief, dkt. #99, is GRANTED. Amici may have until May 14, 2014, to file the brief. The brief may be no longer than 6000 words and should focus on issues not raised by defendants in their briefs. Plaintiffs may have until May 28, 2014 to file their reply brief, but they are free to file it sooner if they wish.

Entered this 9th day of May, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge