

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

WISCONSIN RIGHT TO LIFE, INC.,
and WISCONSIN RIGHT TO LIFE
POLITICAL ACTION COMMITTEE,

Plaintiffs,

v.

JOHN C. SCHOBBER, chairperson of the
Wisconsin State Elections Board; and each
of its members, DONALD R. GOLDBERG,
SHANE FALK, MARTHA LOVE, PATRICK J.
HODAN, DAVID HALBROOKS, GORDON
MYSE, KIRBY BRANT, JOHN P. SAVAGE,
and KEVIN J. KENNEDY, its executive director;
JACK C. VOIGHT, State Treasurer of Wisconsin;
and MICHAEL L. MORGAN, secretary of the
Wisconsin Department of Revenue; each in his or
her official capacity,

Defendants.

ORDER

03-C-367-C

A hearing was held on July 18, 2003, before United States District Judge Barbara B. Crabb on plaintiffs' motion for a preliminary injunction and their motion to consolidate the hearing on the motion for preliminary injunction with a hearing on the merits. Plaintiffs were represented by Scott Obernberger and James Bopp, Jr. Defendants were represented

by Thomas Balistreri, Assistant Attorney General for the state of Wisconsin.

At the outset of the hearing, Mr. Bopp asked for leave to proceed *pro hac vice*. I suggested that he join the bar of the court. I granted Mr. Obernberger's motion to admit him.

After hearing argument from counsel, I determined that this court lacks jurisdiction to hear plaintiffs' motion to enjoin defendants from enforcing Wisconsin's 2002 campaign finance revisions. In an order entered in Wisconsin Realtors Association v. Ponto, 233 F. Supp. 2d 1078 (W.D. Wis. 2002), I held that portions of the 2002 campaign finance law were unconstitutional. Under the law as drafted, such a holding had the effect of voiding the entire law. Accordingly, there is no law in effect at the present time that plaintiffs can challenge in this suit. In addition, plaintiffs have no realistic prospect of any adverse action by any of the defendants. Obviously, defendants are in no position to enforce a void law against plaintiffs or anyone else.

Defendants had no objection to consolidating the hearing on the motion for preliminary injunction with a hearing on the merits of the case. The matter is essentially moot because I have found that there is no case or controversy raised by plaintiffs' pleadings.

Therefore, IT IS ORDERED that the motion for preliminary injunction is DENIED and the case is DISMISSED for lack of jurisdiction.

Entered this 21st day of July, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge