

Nos. 16-3083, 16-3091

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**UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

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ONE WISCONSIN INSTITUTE, INC., *et al.*,

Plaintiffs-Appellees,  
Cross-Appellants,

v.

MARK L. THOMSEN, *et al.*,

Defendants-Appellants,  
Cross-Appellees.

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On Appeal From The United States District Court  
For The Western District of Wisconsin, Case No. 3:15-cv-324  
The Honorable Judge James D. Peterson, Presiding

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**MOTION TO EXPEDITE INITIAL EN BANC REVIEW**

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Plaintiffs are today submitting a Petition for Initial En Banc Review (“Petition”). In the event that petition is granted,<sup>1</sup> Plaintiffs further move this Court to expedite review of this appeal as set forth below or in such other fashion as the Court deems appropriate. *See generally* 28 U.S.C. § 1657; Fed. R. App. P. 2, 31(a)(1); 7th Cir. R. 2.

Many of the reasons for expedited consideration of this appeal are set forth in the Petition. In short, this case involves a challenge to a number of provisions restricting access to voting or voter registration in Wisconsin. While the district court enjoined several of those provisions, some of the challenged provisions—most notably including most aspects of Wisconsin’s voter ID law—remain in effect and will burden voters in the upcoming presidential election absent expeditious relief from the full Court. *Cf. Judge v. Quinn*, 624 F.3d 352 (7th Cir. 2010) (quickly resolving appeal of injunction limiting candidates who would appear on ballot in special election). *See generally Purcell v. Gonzalez*, 549 U.S. 1 (2006).

In light of this concern, Plaintiffs respectfully request that the Court adopt the following schedule for this case if initial en banc review is granted: (1) Plaintiffs and Defendants both submit opening briefs on August 23, 2016; (2) Plaintiffs and Defendants both submit response briefs on August 30, 2016; (3) argument as soon thereafter as the Court finds feasible.

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<sup>1</sup> If the Petition is not granted, Plaintiffs do not seek expedited review of this appeal in advance of the 2016 general election. A panel plainly cannot overrule *Frank v. Walker*, 773 F.3d 783 (7th Cir. 2014), and, given that the briefing before a panel would thus focus in part on how that case applies here or can be distinguished rather than why that case should be overruled, it would be very difficult for both a panel and the en banc court to review this case in time to issue relief that could be put into effect for the 2016 general election.

DATED: August 5, 2016

Respectfully submitted,

**PERKINS COIE LLP**

By s/ Bruce V. Spiva

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CERTIFICATE OF SERVICE

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I hereby certify that on August 5, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

*s/ Bruce V. Spiva*

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