



P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

J.B. VAN HOLLEN
ATTORNEY GENERAL

NEWS RELEASE

For Immediate Release
March 28, 2011

For More Information Contact:
Bill Cosh 608/266-1221

**ACT 10 IS NOW LAW; DEPARTMENT OF JUSTICE FILES BRIEFS IN OZANNE
LAWSUIT ASKING TO WITHDRAW APPEAL BECAUSE IT IS MOOT AND
ASKING CIRCUIT COURT TO VACATE THE TRO AGAINST LA FOLLETTE,
WHO HAS COMPLIED WITH TRO**

MADISON - The Department of Justice today filed a motion with the Court of Appeals to withdraw the appeal filed on behalf of Secretary of State Douglas La Follette, who is named in his official capacity as a defendant in a lawsuit filed by the Dane County District Attorney alleging that the Joint Committee on Conference violated the Open Meeting's Law when it took executive action on the bill that ultimately became Act 10, after passage by both houses of the legislature and approval by the Governor. The Department of Justice also filed a motion with the Circuit Court, asking it to vacate the temporary restraining order it had placed upon La Follette.

These motions argue that the requested relief is appropriate because Act 10 is now in force due to its publication by the Legislative Reference Bureau on March 25, 2011. The Legislative Reference Bureau was not named as a party in the *Ozanne* case and was not bound by any order issued by the Dane County Circuit Court. Because the law is in force, the appeal, which was based on the harm caused by enjoining the legislative process, is moot. The briefs explain that the Secretary of State made a good faith attempt to comply with the temporary restraining order and did not cause the publication of Act 10.

Pursuant to Wis. Stat. § 35.095(3)(a), the Legislative Reference Bureau has the mandatory ministerial duty to publish laws within ten working days of approval by the Governor. This duty to publish exists independent of any duty the Secretary of State has with respect to the publication of laws. The legislative reference bureau's publication satisfies the constitutional requirement that laws are to be published before they are to be in force. Because Act 10 has been published, the legislative process is complete.

Copies of the filings may be accessed below

http://www.doj.state.wi.us/news/files/Ozanne_Motion_to_Withdraw.pdf

Note: The request to withdraw the appeal was made to the Court of Appeals, which certified the case to the Wisconsin Supreme Court. Because certification has not been accepted by the Supreme Court and the Supreme Court, has not exercised jurisdiction, the motion is addressed to the Court of Appeals.

###