

CIRCUIT COURT OF DANE COUNTY
BRANCH 11
STATE OF WISCONSIN

JULAINÉ APPLING, JO EGELHOFF,
JAREN E. HILLER,
RICHARD KESSENICH and
EDMUND L. WEBSTER,

Plaintiffs,

v.

JAMES E. DOYLE, in his official capacity
as Governor of the State of Wisconsin,

Case No. 2010 CV 004434

KAREN TIMBERLAKE, in her official
capacity as Secretary of the Wisconsin
Department of Health Services, and

Judge Daniel R. Moeser

JOHN KIESOW, in his official capacity as
State Registrar of Vital Statistics,

Case Code: 30701 (Dec. Judgment)
30704 (Other Injunction)

Defendants,

and

FAIR WISCONSIN, Inc.,
Glenn Carlson & Michael Childers,
Crystal Hyslop & Janice Czyncon,
Kathy Flores & Ann Kendzierski,
David Kopitzke & Paul Klawiter,
Chad Wege & Andrew Wege,

Proposed Intervening
Defendants.

**MOTION TO INTERVENE OF PROPOSED INTERVENING-DEFENDANTS
FAIR WISCONSIN INC., GLENN CARLSON & MICHAEL CHILDERS,
CRYSTAL HYSLOP & JANICE CZYSCON, KATHY FLORES & ANN KENDZIERSKI,
DAVID KOPITZKE & PAUL KLAWITER, AND CHAD WEGE & ANDREW WEGE**

Fair Wisconsin Inc., on behalf of itself and its members, and Glenn Carlson & Michael Childers, Crystal Hyslop & Janice Czyncon, Kathy Flores & Ann Kendzierski, David Kopitzke

& Paul Klawiter, and Chad Wege & Andrew Wege (collectively, the “Fair Wisconsin Defendants”), through their undersigned counsel, hereby move this Court, pursuant to Wis. Stat. § 803.09, to intervene in the above-captioned matter and for leave to file the attached “Answer and Affirmative Defenses.”

The Fair Wisconsin Defendants have the right to intervene pursuant to Wis. Stat. § 803.09(1) because: (1) they have interests directly related to the subject of this action, (2) a disposition of this action in favor of Plaintiffs would impair the ability of the Fair Wisconsin Defendants to protect those interests, and (3) the interests of the Fair Wisconsin Defendants are not adequately represented by the existing parties. This motion is timely as it is being filed contemporaneously with the initial responsive pleading of the named defendants.

In the alternative, the Fair Wisconsin Defendants seek leave to intervene pursuant to Wis. Stat. § 803.09(2) because their defenses have questions of law and fact in common with the main action, and their intervention will not unduly delay or prejudice the adjudication of the rights of the existing parties.

Contemporaneous with this motion, the Fair Wisconsin Defendants are filing a brief in support of their motion to intervene which includes sworn declarations from each of the proposed intervening-defendants.¹

Dated: October 1, 2010.



Attorneys for Fair Wisconsin, Inc.
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(Application for Admission *Pro Hac Vice*
pending)

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¹ The Fair Wisconsin Defendants are aware that a motion to intervene is also being filed by several same-sex couples represented by the ACLU of Wisconsin. The Fair Wisconsin Defendants support the ACLU's motion and will work with the other proposed intervenors to coordinate discovery and to avoid any duplicative filings.