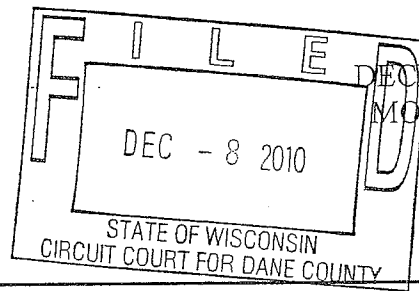

JULAINÉ APPLING, et al
Plaintiff/Petitioner

vs.

JAMES DOYLE, et al
Defendant/Respondent



DECISION AND ORDER RE:
MOTIONS TO INTERVENE

Case No. 10 CV 4434

On October 1, 2010, Heyning, Trampf, Woodruff, Dunnun, Timm, Wolf, Schumacher, Schermann and Collins (“Group One”) filed a motion to intervene in this lawsuit.

Also on October 1, Fair Wisconsin, Inc. (“Fair Wisconsin”), Carlson, Childers, Hyslop, Czynscon, Flores, Kendzierski, Kopitzke, Klawiter, C Wege and A. Wege (“Group Two”) filed a motion to intervene in this lawsuit.

Plaintiffs oppose both motions to intervene. The matter has now been fully briefed. Fair Wisconsin is a statewide organization and played a significant role in achieving passage of Wisconsin’s domestic partnership registry law. The individual interveners are same sex couples who have registered as domestic partners.

Plaintiffs oppose the domestic partnership law and have filed this lawsuit challenging the constitutionality of said law. Defendants Doyle, Timberlake, and Kiesow are state employees duty bound to defend the constitutionality of Wisconsin laws, including the domestic partnership registry law.

This lawsuit revolves around the issue of whether or not a domestic partnership under the domestic partnership laws in Wisconsin is substantively similar to marriage. A potential complicating factor in this case is that the current but outgoing governor continues to support Wisconsin domestic partner laws while the incoming governor may have taken public positions to the contrary.

The court concludes that one of the motions to intervene should be granted. The motions are timely. The interveners have a personal and real interest in defending the Wisconsin domestic partnership laws. Whatever rights said laws provide the interveners will be lost if plaintiffs are successful. Finally, the court concludes that the interveners can provide information and perspective that may not be provided by current defense counsel and may very well not be provided by defendants' counsel after the state administration changes in January of 2011. At best the court will be provided with the perspective of individuals operating under the domestic partnership laws. At worst, the information and arguments will simply be cumulative. Intervention now may avoid delaying this case in the future if the new state administration provides different direction to its defense counsel which would most certainly result in motion to intervene at that time.

The court does agree with plaintiffs' argument that Group One and Group Two interveners do not both have to be allowed to intervene because their respective interests are virtually the same.

Accordingly, Group Two is allowed to intervene. Group One is not allowed to intervene but may, at an appropriate time seek to file *amicus curiae* briefs. This case may be resolved on pending legal grounds, on stipulated facts or after a contested evidentiary hearing. That is yet to be decided. But what is clear is that the interveners have a personal interest with personal experience which may assist the court in sorting out the legal issues in this case.

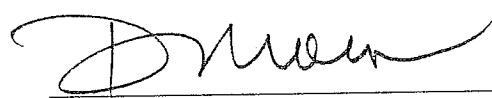
ORDER

Heyning, Trampf, Woodruff, Dunnun, Timm, Wolf, Schumacher, Schermann and Collins will not be allowed to intervene. Fair Wisconsin Inc., Carlson, Childers, Hyslop,

Czyscon, Flores, Kendzierski, Kopitzke, Klawiter, C. Wege and A. Wege will be allowed to
intervene.

Dated this 8th day of December, 2010.

BY THE COURT:



Daniel R. Moeser, Judge
Circuit Court Branch 11

cc: Atty Lester Pines
Atty Brian Butler
Atty Linda Hansen
Atty. Austin Nimocks