

WISCONSIN SUPREME COURT CALENDAR AND CASE SYNOPSES OCTOBER 2024

The cases listed below will be heard in the Supreme Court Hearing Room, 231 East, State Capitol.

WEDNESDAY, OCTOBER 9, 2024

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| 9:45 a.m. | 24AP729 | Jeffrey A. LeMieux v. Tony Evers |
| | 21AP1525 | Hayden Halter v. Wisconsin Interscholastic Athletics Association |

Note: The Supreme Court calendar may change between the time you receive it and when a case is heard. It is suggested that you confirm the time and date of any case you are interested in by calling the Clerk of the Supreme Court at (608) 266-1880. If your news organization is interested in providing any type of camera coverage of Supreme Court oral argument, you must contact media coordinator Jason Cuevas at WISC-TV, (608) 277-5241. The synopses provided are not complete analyses of the issues presented.

WISCONSIN SUPREME COURT

October 9, 2024

9:45 a.m.

24AP729

LeMieux v. Tony Evers

The Wisconsin Supreme Court accepted jurisdiction over the original action petition filed by Jeffery A. LeMieux and David T. DeValk ("the petitioners"), against Tony Evers, Governor of Wisconsin, Sarah Godlewski, Secretary of State of Wisconsin, and Jill Underly, Wisconsin State Superintendent of Public Instruction ("the respondents"). The petitioners have asked this court to clarify the extent of the governor's partial-veto authority.

The petitioners, two Wisconsin taxpayers, allege that Governor Tony Evers improperly exercised his partial veto authority by modifying a provision that originally permitted a school district revenue limit increase for two years into a 400-year extension. The petition asserts that this action violates Article V, § 10(1)(c) of the Wisconsin Constitution, which restricts the Governor from creating new language or figures by selectively striking out portions of the enrolled bill.

In addition to this claim, the petitioners argue that the Governor's veto oversteps the boundaries of Article V, § 10(1)(b), which allows the Governor to approve parts of a bill while rejecting others. The petitioners contend that this authority does not extend to altering the legislative intent in a manner that distorts the original meaning and effect of the legislation, thereby infringing upon the separation of powers.

The State maintains that the partial veto has long been an established practice in Wisconsin, with historical precedent supporting the executive's discretion in budgetary matters. The State argues that Governor Evers' vetoes fall within the constitutional limits of his office and do not constitute an overreach of executive power. Furthermore, the State asserts that this case is of significant public importance and justifies the Wisconsin Supreme Court's exercise of original jurisdiction.

The issues for the Supreme Court to decide are:

- 1) Does Article V, § 10(1)(c) of the Wisconsin Constitution forbid a governor from deleting digits in an enrolled bill to create a new year?
- 2) Does a governor exceed his or her partial-veto authority under Article V, § 10(1)(b) of the Wisconsin Constitution by deleting language in an enrolled bill to create a longer duration than the one that the legislature approved?

WISCONSIN SUPREME COURT

October 9, 2024

9:45 a.m.

21AP1525

Hayden Halter v. Wisconsin Interscholastic Athletic Association

This is a review of a decision of the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which reversed and remanded an order of the Racine County Circuit Court, Judge Eugene A. Gasiorkiewicz, presiding. The case involves a challenge brought by Hayden Halter and his father Shawn Halter against the Wisconsin Interscholastic Athletic Association (WIAA).

The plaintiffs, Hayden Halter and his father, Shawn Halter, contend that the WIAA's disciplinary actions against Hayden during the 2019 varsity wrestling season were arbitrary, capricious, and violated his rights under the WIAA's own rules.

The core issue of the dispute involves in the WIAA's decision to suspend Hayden Halter from the 2019 regional wrestling event following two unsportsmanlike conduct penalties during a prior competition. The Halters sought judicial intervention, arguing that the WIAA, as a state actor, improperly denied Hayden the opportunity to serve his suspension by sitting out a junior varsity meet, which was scheduled before the regional event. They asserted that the WIAA's actions were not only in conflict with the rules as they were written at the time but also that the WIAA unlawfully denied Hayden an appeal to its Board of Control, despite provisions in the WIAA's Rules of Eligibility that allow for such an appeal.

The Racine County Circuit Court initially ruled in favor of the WIAA, upholding the association's interpretation of its rules and dismissing the Halters' claims for declaratory judgment, certiorari, and injunctive relief. The circuit court found the WIAA acted within its discretion and that its rules were reasonably applied. However, on appeal, the Court of Appeals, District II, disagreed, concluding that the WIAA's application of its rules was arbitrary and unreasonable. The appellate court held that the term "next competitive event," as used in the WIAA's rules, was not clearly defined and could reasonably include the junior varsity meet that Hayden had sought to sit out. The court further determined the WIAA's summary denial of the Halters' appeal violated procedural fairness.

As a result of these findings, the Court of Appeals reversed the circuit court's judgment and remanded the case with instructions to reinstate Hayden Halter's 2019 state title and associated points. The appellate court's decision effectively restored Hayden's standing as the 2019 state champion in his weight class and granted the permanent injunctive relief requested by the Halters, preventing the WIAA from enforcing its prior determination of ineligibility.

The WIAA has petitioned the Wisconsin Supreme Court for review. The issues presented are:

- 1) Is the WIAA a state actor?

- 2) Are the Halters entitled to judicial review of the WIAA's decision to suspend Hayden Halter from the 2019 varsity wrestling regional event and to deny him an internal appeal to the body's Board of Control?
- 3) Are the Halters entitled to certiorari relief?
- 4) Are the Halters entitled to declaratory relief reinstating Hayden Halter's 2019 state title and points?
- 5) Are the Halters entitled to a permanent injunction?