

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ADAM JARCHOW and)
MICHAEL D. DEAN,)
)
Plaintiffs,)
)
v.)
)
STATE BAR OF WISCONSIN, a)
professional association; STATE BAR OF)
WISCONSIN BOARD OF)
GOVERNORS; CHRISTOPHER E.)
ROGERS, President of the State Bar of)
Wisconsin; JILL M. KASTNER,)
President-elect of the State Bar of)
Wisconsin; STARLYN R.)
TOURTILOTT, Secretary of the State)
Bar of Wisconsin; JOHN E. DANNER,)
Treasurer of the State Bar of Wisconsin;)
ODALO J. OHIKU, Chairperson of the)
State Bar of Wisconsin Board of)
Governors, and PAUL G. SWANSON,)
Immediate Past-president of the State Bar)
of Wisconsin, in their official capacities,)
)
Defendants.)
)

Case No. 3:19-CV-00266

DEFENDANTS’ MOTION TO STAY FURTHER PROCEEDINGS

Defendants (collectively, “the State Bar”) move the Court to stay further proceedings in this case, in the alternative to the State Bar’s motion to dismiss Plaintiffs’ Complaint, which motion the State Bar has filed concurrently with this Motion to Stay.

Should the Court conclude that a stay is justified, the State Bar respectfully requests that the Court resolve the following other motions from the State Bar before entering a stay: (a) the motion to dismiss Plaintiff Jarchow for lack of Article III standing as to a portion of Count One; (b) the motion to dismiss all claims against the State Bar and the State Bar Board of Governors

under the Eleventh Amendment; (c) the motion to dismiss Officer Defendants Kastner, Ohiku, and Swanson under the Eleventh Amendment; (d) the motion to dismiss Plaintiffs' damages claims under the Eleventh Amendment; and (e) the motion to dismiss all damages claims against all Officer Defendants under the doctrine of qualified immunity.

The grounds for this Motion to Stay are set forth in the accompanying Brief.

Dated: May 21, 2019

Respectfully submitted,

/s/ Roberta F. Howell

Roberta F. Howell WI Bar No. 1000275

Kevin M. LeRoy WI Bar No. 1105053

Foley & Lardner LLP

Suite 5000

150 East Gilman Street

Madison, WI 53703-1482

Post Office Box 1497

Madison, WI 53701-1497

608.257.5035

608.258.4258

Attorneys for Defendants