

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN CLUB FOR GROWTH, INC.; its individual board member, ERIC O'KEEFE; ONE WISCONSIN NOW, INC.; and SCOT ROSS, its executive director,

Plaintiffs,

v.

Case No. 10-CV-427

GORDON MYSE, Chair of the Wisconsin Government Accountability Board; THOMAS BARLAND, its Vice Chair; each of its other members, MICHAEL BRENNAN, THOMAS CANE, GERALD C. NICHOL, and DAVID DEININGER; and KEVIN KENNEDY, its Director and General Counsel; each only in his official capacity,

Defendants.

STIPULATION

Defendants Gordon Myse, Thomas Barland, Michael Brennan, Thomas Cane, Gerald C. Nichol, David Deininger, and Kevin Kennedy ("Defendants") and Plaintiffs Wisconsin Club for Growth, Inc., Eric O'Keefe, One Wisconsin Now, Inc., and Scot Ross ("Plaintiffs") (Plaintiffs and Defendants are referred to collectively herein as "the parties") do hereby STIPULATE and AGREE as follows:

1. The Court may enter a permanent injunction, order, and judgment enjoining the application or enforcement of the second sentence of Wis. Admin. GAB § 1.28(3)(b).

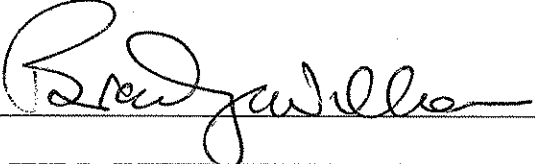
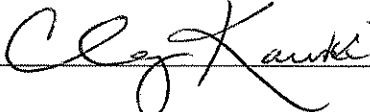
2. Plaintiffs will withdraw their motion for preliminary injunction. If the Court fails to enter the stipulated injunction, Plaintiffs may re-file their motion for preliminary injunction within five (5) days of the Court's decision not to enter the stipulated injunction, or as otherwise permitted by the Court. Should Plaintiffs refile their motion within five (5) days of the Court's decision not to enter a stipulated injunction, Defendants agree to not apply or enforce the second sentence of Wis. Admin. GAB § 1.28(3)(b) until such time that Plaintiffs' motion for a preliminary injunction is decided.

3. The stipulated injunction, if entered, resolves the First Claim of Plaintiffs' Complaint.

4. Plaintiffs will dismiss the Second and Third Claims of their Complaint without prejudice upon entry of the stipulated injunction.

5. Defendants will pay costs, and the parties will enter into good faith negotiations for Defendants to pay Plaintiffs' reasonable attorneys' fees to which they may be entitled. In the event of impasse, the parties will notify the Court, which shall retain jurisdiction to hear any application for Plaintiffs' attorneys' fees incurred in bringing this action and, upon consideration of the application, award such fees as the Court determines appropriate.

STIPULATED AND AGREED.

<p>August <u>10</u>, 2010</p> <p>Wisconsin Club for Growth, Inc., Eric O'Keefe, One Wisconsin Now, Inc., and Scot Ross, Plaintiffs</p>  <p>MIKE B. WITTENWYLER, ESQ. State Bar # 1025895 HANNAH L. RENFRO, ESQ. State Bar # 1038324 BRADY C. WILLIAMSON, ESQ. State Bar # 1013896 Godfrey & Kahn, S.C. P.O. Box 2719 Madison, Wisconsin 53701-2719 (608)257-3911 wittenwyler@gklaw.com hrenfro@gklaw.com bwilliamson@gklaw.com</p> <p>Attorney for Plaintiffs</p>	<p>August <u>10</u>, 2010</p> <p>Gordon Myse, Thomas Barland, Michael Brennan, Thomas Cane, Gerald C. Nichol, David Deininger, and Kevin Kennedy, Defendants</p>  <p>CLAYTON P. KAWSKI, ESQ. Assistant Attorney General State Bar # 1066228 THOMAS C. BELLAVIA, ESQ. Assistant Attorney General State Bar # 1030182 Wisconsin Department of Justice Post Office Box 7857 Madison, Wisconsin 53707-7857 (608) 266-7477 kawskicp@doj.state.wi.us bellaviatc@doj.state.wi.us</p> <p>Attorney for Defendants</p>
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ORDER

The Court hereby enters the STIPULATION set forth above and **ORDERS** the following:

The Court hereby permanently enjoins the application or enforcement of the second sentence of Wis. Admin. GAB § 1.28(3)(b).

IT IS SO ORDERED.

Hon. William M. Conley
District Court Judge
United States District Court,
Western District of Wisconsin