

# Appeals court blocks enforcement of Evers' limits on public, indoor gatherings

Posted on Friday, Oct 23, 2020

A split state appeals court today reinstated a temporary injunction preventing enforcement of the Evers administration's order limiting indoor gatherings to 25 percent of a room's capacity.

The 3rd District Court of Appeals also set an expedited briefing schedule for next week as it reviews a circuit court judge's ruling that had upheld the order. In a 2-1 ruling, the court ruled the injunction was justified because the plaintiffs had established a likelihood of success in challenging the administration's order.

Department of Health Services Secretary Andrea Palm earlier this month issued an order limiting indoor, public gatherings for a four-week period that expires Nov. 6. The Tavern League challenged the order, arguing it violated a May state Supreme Court ruling that nixed the extended stay-at-home directive she issued. The league argued the new order should've been issued through the state's administrative rules process under the ruling. That process gives the Legislature oversight of the directive.

On Monday, Barron County Judge James Babler ruled Palm still had the power to issue the new directive under the Supreme Court's May ruling without going through the administrative rules process.

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An Amery tavern The Mix Up and Pro-Life Wisconsin, both of which intervened in the suit, then appealed to the 3rd District.

The gov tweeted in response to the ruling, "We will once again defend our limit on

public gatherings and I'm once again asking folks to rise above tonight's ruling, stay home, and mask up so we can get through this weekend and this pandemic together. This crisis is urgent, folks. Please stay home."

Meanwhile, Misha Tseytlin, representing The Mix Up, said he was pleased the court agreed his clients had established a high likelihood of success on the merits of the case.

"I thought it was very clear that what Secretary-designee Palm did was flouting what the Supreme Court had said in May and was shocked that she would do something like that after the Supreme Court had ruled as it did," Tseytlin said.