

Evers administration asks Supreme Court to take over challenge to limits on indoor public gatherings

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The Evers administration is asking the state Supreme Court to take over a challenge to the limits on indoor public gatherings, arguing the case involves “immediate, life-threatening public health conditions.”

The 3rd District Court of Appeals last week placed the order on hold as it reviews a circuit court judge’s ruling that had upheld the order.

At the heart of that case is a dispute over whether the Evers administration should’ve issued the limits on public, indoor gatherings through the administrative rules process, which gives lawmakers oversight of agency actions.

In May, the state Supreme Court in a 4-3 ruling overturned an extended stay-at-home order, finding it should’ve been issued through the administrative rules process.

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But DOJ argued that ruling didn’t address a statute giving the DHS secretary the power to close “schools and forbid public gatherings in schools, churches and other places to control outbreaks and epidemics.”

DOJ argued the limits on public, indoor gatherings were issued under that statute and the court needs to clarify whether its May ruling applies to that provision in state law as well.

It also argued the case would eventually end up before the justices anyway, regardless of what the 3rd District decides.

“And every day of delay is a day that more and more Wisconsinites are infected, hospitalized, and killed by COVID-19,” DOJ wrote in arguing the court should take the appeal directly.

Read the motion [here](#).