

WILL: Files motion for contempt after city of Racine ignores Supreme Court order

Posted on Monday, Nov 30, 2020

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Racine Public Health Administrator instructs schools to remain closed despite injunction

The News: The Wisconsin Institute for Law & Liberty (WILL) [filed an emergency motion](#) in the Wisconsin Supreme Court after the City of Racine Public Health Administrator instructed all schools, within the city limits, to remain closed for in-person learning despite an injunction issued November 25 by the Wisconsin Supreme Court that blocked the implementation of a school closure order. WILL is asking the Court to hold the Administrator and her department in contempt and impose monetary sanctions designed to ensure their compliance with the Court's order, including a forfeiture of up to \$2,000 per day and compensation for the Petitioner schools and parents harmed by the Administrator's actions.

The Quote: WILL President and General Counsel, Rick Esenberg, said, "Wisconsin Supreme Court orders are neither optional or advisory. We expect the City of Racine to immediately allow schools to open or face sanctions from the Court."

Background: The Wisconsin Supreme Court [granted an original action and issued a temporary injunction](#) blocking the City of Racine's school closure order on November 25. WILL [filed the original action](#) on November 19, on behalf of a group of parents, schools, and membership associations. The Court ordered the case to be held in abeyance pending the Court's decision in [WCRIS v. Heinrich](#), a legal challenge to the Dane County school closure order currently before the Court.

But after the Court's November 25 injunction, Racine's Public Health Administrator issued a communication ordering all schools, within the city limits, to remain closed for in-person learning. The communication reads in part:

"The Supreme Court has enjoined the School Building Closure Order. This action will be held in abeyance pending this court's decision in three consolidated original action petitions relating to Dane County Emergency Order #9 which are scheduled for oral argument on December 08, 2020. "This determination does not alter the status of the City of Racine Safer Racine Ordinance which is applicable only for the City of Racine. Within this ordinance, school buildings will remain closed from November 27, 2020 through January 15, 2021."

The City of Racine is attempting to illegally evade the Wisconsin Supreme Court's injunction by enacting a new closure mandate identical to the one the Court enjoined. WILL's clients, including private schools and parents in Racine, deserve the certainty that they have the option to legally return to the classroom without running afoul of the City of Racine Public Health Department.