

Wisconsin Institute for Law & Liberty: Asks Wisconsin Supreme Court to halt Racine school closure order

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The News: The Wisconsin Institute for Law & Liberty (WILL), on behalf of a group of parents, schools, and membership associations, filed an [original action petition](#) to the Wisconsin Supreme Court urging the Court to accept a legal challenge to the City of Racine's [school closure order](#) issued on November 12. The legal challenge to the City of Racine's order presents legal issues similar to the ones raised in [WCRIS v. Public Health Madison and Dane](#). WILL is asking the Court to accept the case, temporarily enjoin Racine's order, and hold the case pending a decision in WCRIS. The Quote: WILL President and General Counsel, Rick Esenberg, said, "The Wisconsin Supreme Court took our legal challenge and issued an injunction when Dane County illegally attempted to close all schools. Because the issues presented in Racine are so similar, it is our hope the Court will take the original action and issue a similar injunction in Racine while the Dane County case is under consideration."

WILL's Clients: School Choice Wisconsin Action, Wisconsin Council of Religious & Independent Schools, EverGreen Academy, Racine Christian School, Racine Lutheran High School, St. John's Lutheran Church & School, Trinity Lutheran School, Ethan Bickle, Andrea Thunhorst, Ryan Thunhorst, and Elaine Wilson.

Background: The City of Racine Public Health Department issued an order on November 12, closing all school buildings in the City of Racine, private and public, from November 27 to January 15 as a means of addressing COVID-19.

The City of Racine's order is similar to [Order #9](#), issued by Public Health Madison & Dane County on August 21. Dane County's order closed all schools, public and private, for in-person learning for grades 3-12 in Dane County effective Monday

August 24. But WILL, along with two other law firms, filed original actions to the Wisconsin Supreme Court arguing local public health officers lack the legal authority to close schools to in-person instruction.

The Wisconsin Supreme Court [granted the original action and issued an injunction](#) on September 10, that allowed Dane County schools to open while the case was under review. The Court concluded that the Petitioners in that case were likely to succeed on the merits of their argument that Dane County's health officer lacked the authority to issue the challenged order.

Read More:

- [Cover Letter](#), November 19, 2020
- [Emergency Petition for an Original Action](#), November 19, 2020
- [Emergency Motion for a Temporary Injunction](#), November 19, 2020
- [Memorandum in Support](#), November 19, 2020