

Wisconsin Institute for Law & Liberty: Pledges appeal in lawsuit challenging Gov. Evers's emergency declarations

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WILL Pledges Appeal in Lawsuit Challenging Governor Evers's Emergency Declarations

Judge denies WILL's motion for injunction

The News: St. Croix County Circuit Court Judge R. Michael Waterman [denied](#) the Wisconsin Institute for Law & Liberty's (WILL) motion for an injunction in a lawsuit challenging Governor Tony Evers's legal authority to issue multiple emergency declarations in response to COVID-19. WILL [filed the lawsuit](#) on August 25, and requested a temporary injunction on September 28, after Governor Evers extended his second emergency declaration, issued on July 30, to remain in effect until November 21.

The Quote: WILL President and General Counsel Rick Esenberg said, "It is with regret that the Judge held that the Governor of the State of Wisconsin can rule the state by decree for an unlimited amount of time with the acquiescence of the legislature. We look forward to making an appeal on this critical constitutional matter."

Background: Governor Tony Evers declared a second public health emergency, [Executive Order #82](#), on July 30, seizing emergency powers for a second 60-day period to address the ongoing COVID-19 pandemic. Accompanying the new emergency declaration was a mask mandate applying to all 72 counties.

WILL filed a lawsuit in Polk County Circuit Court, on behalf of three Wisconsin residents and taxpayers, on August 25. The lawsuit challenges the ability of Governor Evers to seize expansive emergency powers more than once to address the same crisis. Governor Evers declared his first public health emergency in relation to COVID-19 in March 2020.

WILL filed [a motion](#) for a temporary injunction on September 28, after Governor Evers [declared a third COVID-19 emergency](#) on September 22, in effect a continuation of the earlier emergencies. WILL participated in a hearing on the motion on October 5, and made the case that our clients deserved relief because allowing the emergency declarations to stand would allow one-person rule by the Governor for what could be a virtually unlimited amount of time whenever he deemed the circumstances continued to warrant it. The result would be the total breakdown of our constitutional order.

Judge Waterman issued a [written decision](#) on October 12, denying the motion for an injunction.

Read More:

- ["WILL Files Motion for Immediate Injunction in Lawsuit in Challenging Governor Evers's Emergency Declaration,"](#) September 28, 2020
- ["Governor Evers Violates State Law Again With Third COVID Emergency Declaration,"](#) September 22, 2020
- ["WILL Sues Governor Evers Over Second COVID-19 Emergency Declaration,"](#) August 25, 2020
- ["Gov. Evers' emergency COVID-19 declaration violates the law,"](#) Rick Esenberg, Wisconsin State Journal, August 26, 2020