

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

ANTRELL THOMAS, MELVIN CLEMONS, CHRISTIAN PITTMAN, CHANCE KRATOCHVIL, KELSIE MCGESHICK, JEROME BROST, DWIGHT MOORE, SEBASTIAN POPOVICH, MELINDA MESHIGAUD, ELMORE ANDERSON, CASHUN DRAKE, TERRY JOHNSON, TIMOTHY WILLIAMS, WILLIAM LOWE, TIVON WELLS, DAVADAE BOBBITT, DONALD JUECK, and CORY HANSEN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ANTHONY S. EVERS, in his official capacity as the Governor of Wisconsin; KELLI THOMPSON, in her official capacity as the Wisconsin State Public Defender; JAMES M. BRENNAN, in his official capacity as Chair of the Wisconsin Public Defender Board; JOHN J. HOGAN, in his official capacity as Vice Chair of the Wisconsin Public Defender Board; ELLEN THORN, in her official capacity as Secretary of the Wisconsin Public Defender Board; ANTHONY COOPER, SR., in his official capacity as a member of the Wisconsin Public Defender Board; REGINA DUNKIN, in her official capacity as a member of the Wisconsin Public Defender Board; PATRICK J. FIEDLER, in his official capacity as a member of the Wisconsin Public Defender Board; INGRID JAGERS, in her official capacity as a member of the Wisconsin Public Defender Board; JOSEPH MIOTKE, in his official capacity as a member of the Wisconsin Public Defender Board; and MAI NENG XIONG, in her official capacity as a member of the Wisconsin Public Defender Board.

Defendants.

Case No. 2022-CV-1027

Hon. Thomas J. Walsh

NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that Plaintiffs hereby move this Court to certify the following class and subclasses under Section 803.08 of the Wisconsin Statutes:

- **Class Definition:** All past, current, and future defendants who—on or after January 1, 2019—requested and were found eligible for public defense counsel but did not receive an attorney within 14 days of their initial appearances.

- **30-Day Subclass Definition:** All past, current, and future defendants who—on or after January 1, 2019—requested and were found eligible for public defense counsel but did not receive an attorney within 30 days of their initial appearances.
- **60-Day Subclass Definition:** All past, current, and future defendants who—on or after January 1, 2019—requested and were found eligible for public defense counsel but did not receive an attorney within 60 days of their initial appearances.
- **120-Day Subclass Definition:** All past, current, and future defendants who—on or after January 1, 2019—requested and were found eligible for public defense counsel but did not receive an attorney within 120 days of their initial appearances.¹

The reasons why the Court should grant Plaintiffs' motion and certify the class and subclasses are set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Class Certification, which is filed concurrently herewith. This motion may be heard at a date and time that the Court will determine.

WHEREFORE, this Court should order a briefing schedule on the motion for class certification and set the motion for hearing. After receiving briefs from the parties and holding a motion hearing, the Court should grant Plaintiffs' motion for class certification.

Dated: February 1, 2023

By: /s/ Marc L. Krickbaum

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¹ If the Court denies certification of the proposed class, Plaintiffs request that the Court certify any of the proposed subclasses as the class and to certify all the lesser-included proposed subclasses as subclasses.

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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed a Notice of Motion and Motion for Class Certification with the clerk of court using the Wisconsin Circuit Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Date: February 1, 2023.

/s/ Marc L. Krickbaum
MARC L. KRICKBAUM