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IN THE SUPREME COURT OF WISCONSIN  
No. 2024AP000330

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PLANNED PARENTHOOD OF WISCONSIN, ON BEHALF OF ITSELF, ITS  
EMPLOYEES, AND ITS PATIENTS, KATHY KING, M.D., ALLISON  
LINTON, M.D., M.P.H., ON BEHALF OF THEMSELVES AND THEIR  
PATIENTS, MARIA L., JENNIFER S., LESLIE K., AND ANAIS L.,

*Petitioners,*

v.

JOEL URMANSKI, IN HIS OFFICIAL CAPACITY AS DISTRICT  
ATTORNEY FOR SHEBOYGAN COUNTY, WISCONSIN, ISMAEL R. OZANNE,  
IN HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR DANE  
COUNTY, WISCONSIN AND JOHN T. CHISHOLM, IN HIS OFFICIAL  
CAPACITY AS DISTRICT ATTORNEY FOR MILWAUKEE COUNTY WISCONSIN,

*Respondents.*

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**ISMAEL R. OZANNE AND JOHN T. CHISHOLM'S JOINT RESPONSE  
TO PETITION FOR LEAVE TO COMMENCE AN ORIGINAL  
ACTION AND MOTION TO PROCEED USING PSEUDONYMS  
AND ASSOCIATED RELIEF**

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On February 22, 2024, Petitioners Planned Parenthood of Wisconsin, Dr. Kathy King, Dr. Allison Linton, Maria L., Jennifer S., Leslie K., and Anais L. (collectively, the “Petitioners”) filed a petition for original action and motion to proceed using pseudonyms and associated relief. The petition named three individual respondents—Joel Urmanski, Ismael R. Ozanne, and John T. Chisholm—in their official capacities as the district attorneys for Sheboygan County, Dane County, and Milwaukee County, respectively. The petition seeks the Court’s determination of whether Wis. Stat. § 940.04 (as interpreted to ban almost all consensual abortions) violates the fundamental rights declared in Article I, Section 1 of the Wisconsin Constitution of Wisconsinites who may become pregnant and of the physicians who provide care to them. By order dated April 16, 2024, this Court directed the Respondents to respond to the petition and motion.

Ozanne and Chisholm take no position as to the substantive merits of the petition for leave to commence an original action. Procedurally, Ozanne and Chisholm note that the Petitioners advance essentially the same constitutional claims as those raised in the Plaintiffs-Respondents’ “Supplemental Petition in Support of Request to Bypass the Court of Appeals” filed in *Kaul v. Urmanski*, 2023AP2362, which is currently pending before this Court.

In *Kaul v. Urmanski*, the Dane County Circuit Court ruled that Wis. Stat. § 940.04 does not apply to consensual abortions. Defendant District Attorney Joel Urmanski filed a petition to bypass in that matter, which all the parties to the appeal

agreed this Court should grant. Shortly thereafter, the Plaintiffs-Respondents filed a “supplemental” petition to offer “additional support for bypass” and noted that, if the Court granted bypass, it would “present this Court with an additional basis for affirming that Wis. Stat. § 940.04 cannot be enforceable as to abortion: because such a reading would violate the Wisconsin Constitution.” *See* Supp. Pet at 7, *Kaul v. Urmanski*, 2023AP2362. The Court has not yet decided whether it will accept Defendant-Appellant Urmanski’s petition to bypass and/or the Plaintiffs-Respondents’ “supplemental” petition.

Regardless of which vehicle the Court deems the most appropriate to reach the constitutional issues (either this petition or the “supplemental petition” in *Kaul*), Ozanne and Chisholm assert that it is premature to decide the constitutional issues surrounding Article I, Section 1 of the Wisconsin Constitution because they are not ripe for adjudication unless and until the circuit court’s ruling in *Kaul* (that Wis. Stat. § 940.04 does not apply to consensual abortions) is reversed. If the Court does choose to adjudicate the constitutional issues, either by granting this petition or through the “supplemental petition,” Ozanne and Chisholm request that they be permitted an opportunity as Respondents to participate in the briefing of the issue.

Finally, Ozanne and Chisholm do not oppose Petitioners’ motion for leave to proceed anonymously by using pseudonyms and, should the Court grant this petition, do not oppose a protective order that requires the Petitioners’ identities to be kept confidential on an attorneys’ eyes-only basis.

Respectfully submitted this 26<sup>th</sup> day of April, 2024.

By: *Electronically signed by Douglas M. Poland*

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**CERTIFICATION REGARDING FORM AND LENGTH**

I hereby certify that this brief conforms to the rules contained in s. 809.19(8) (b), (bm), and (c) for a brief. The length of this brief is 494 words.

*Electronically signed by Douglas M. Poland*  
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