

THEODORE LIPSCOMB, SR.,  
Chairman, Milwaukee County Board of Supervisors,  
In his official capacity,  
Milwaukee County Courthouse  
901 N. 9<sup>th</sup> Street, Room 201  
Milwaukee, Wisconsin, 53233,

Plaintiff,

v.

Case No: 2015-CV-008664  
Case Code: 30701

CHRISTOPHER ABELE,  
Milwaukee County Executive,  
In his official capacity,  
Milwaukee County Courthouse  
901 N. 9<sup>th</sup> Street, Room 308  
Milwaukee, Wisconsin, 53233,

Defendant.

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**PLAINTIFF'S MOTION TO ADJUST THE BRIEFING SCHEDULE AND TO  
RESCHEDULE THE HEARING ON THE MOTION TO DISMISS**

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Plaintiff Theodore Lipscomb, Sr., by his attorneys, Cullen Weston Pines & Bach LLP, hereby moves the Court to adjust the briefing schedule and reschedule the hearing on the motion to dismiss for the following reasons.

1. The defendant filed a motion to dismiss on December 10, 2015, and obtained a scheduling order from the Court setting a hearing on the motion on February 22, 2016, and a briefing schedule requiring a response brief to be file on or

before January 11, 2016, and a reply brief on or before January 26, 2016. Defense counsel did not confer with Plaintiff's counsel on the schedule.

2. This case is a declaratory judgment action raising important and fundamental issues regarding the statutory authority and duties of the Milwaukee County Board of Supervisors and the Milwaukee County Executive. The continuing disagreement regarding the allocation of authority and duties between the supervisors and the county executive over particular matters has generated, and will continue to generate, uncertainty and disruption of governance in Milwaukee County until a decision on the merits is reached.

3. The Plaintiff has completed and is filing, concurrently with this motion, its responsive brief on December 22, 2015, twenty (20) days before the court-ordered deadline of January 11, 2016.

4. The Plaintiff respectfully requests that the due date for the reply brief be reset to January 8, 2016. The original briefing schedule allowed the defendant 15 days to submit a reply brief. This proposed new due date would give the defendant 18 days to submit a reply brief.

5. In deference to the Court's calendar, the Plaintiff respectfully requests that this case be expedited and that the pending motion be reset for hearing on the earliest available date following the submission of the defendant's reply brief.

Dated this 22<sup>nd</sup> day of December, 2015.

CULLEN WESTON PINES & BACH LLP

*/s/Susan M. Crawford*

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