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**J.B. VAN HOLLEN**  
**ATTORNEY GENERAL**

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## NEWS RELEASE

For Immediate Release  
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Attorney General J.B. Van Hollen issued the following statement with respect to the Temporary Restraining Order issued this morning by Judge Sumi in State ex rel. Ozanne vs. Fitzgerald, et al.:

*The Department of Justice plans to appeal today's motion granting a temporary restraining order enjoining the Secretary of State from publishing the 2011 Wisconsin Act 10, commonly referred to as the Budget Repair Bill. The Legislature and the Governor, not a single Dane County Circuit Court Judge, are responsible for the enactment of laws.*

*Decisions of the Supreme Court have made it clear that judges may not enjoin the Secretary of State from publishing an Act. Further, the Secretary of State is without discretion to refuse to publish an act because of perceived procedural irregularities or constitutional concerns. Decisions of the Supreme Court are equally clear that Acts may not be enjoined where the claim is that a rule of legislative procedure, even one as important as the Open Meetings law, has been violated.*

*No matter whether individual citizens agree with the substance of the bill or the manner in which it was enacted, I would hope all see the value in ensuring this matter be given the opportunity to work its way expeditiously through the judicial process.*

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Further information for members of the media:

Procedurally, in order to appeal a non-final order in any pending matter, (which Judge Sumi's Temporary Restraining Order is in this case) permission from the appellate authority is

required before an appeal may be filed. The Department will be seeking this permission and with it will file its appeal.