

**FILED**

AUG 26 2020

CLERK OF SUPREME COURT  
OF WISCONSIN

**IN THE SUPREME COURT OF WISCONSIN**

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAEUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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**EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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Petitioners hereby move this Court pursuant to Wis. Stat.  
§§ 813.02 and 809.14 for an immediate order enjoining  
enforcement of those provisions of Emergency Order #9 which

purport to prohibit schools throughout Dane County from providing in-person instruction to pupils in grades 3-12, issued by Respondents on August 21, 2020.

Petitioners have also filed, simultaneous with this motion, an Emergency Petition for an Original Action and a Memorandum in Support of Emergency Petition for an Original Action and Emergency Motion for a Temporary Injunction, along with supporting affidavits.<sup>1</sup> As explained in the Memorandum, Respondents do not have the statutory authority to issue the challenged provisions of Emergency Order #9; even if they did have the authority, this order does not meet the statutory prerequisites for school closures; and even if it did meet all statutory requirements, it impermissibly infringes upon the state constitutional rights of parents to direct the education of their children and to the free exercise of religion.

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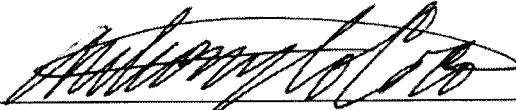
<sup>1</sup> Fourteen of the fifteen affidavits are signed and notarized. Due to the exigency of the matter, one affidavit is unsigned. Counsel for Petitioners intend to supplement with an identical but signed and notarized affidavit at the earliest possible opportunity.

Given that this order came out after some schools in Dane County had begun in person instruction, and just days before many others were set to begin, Petitioners are suffering and will continue to suffer irreparable harm if the challenged provisions of Emergency Order #9 are not immediately enjoined for which no adequate remedy at law is available.

The Petitioners request this Court issue an immediate injunction of those provisions of Emergency Order #9 which purport to prohibit schools throughout Dane County from providing in-person instruction to pupils in grades 3-12. Additional grounds for this motion are set forth in the accompanying Memorandum and supporting affidavits.

Dated this 26th day of August, 2020.

Respectfully Submitted,



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RICHARD M. ESENBERG (WI Bar No. 1005622)  
ANTHONY LOCOCO (WI Bar No. 1101773)  
LUCAS VEBBER (WI Bar No. 1067543)  
ELISABETH SOBIC (WI Bar No. 1103379)  
Wisconsin Institute for Law & Liberty, Inc.  
330 East Kilbourn Avenue, Suite 725

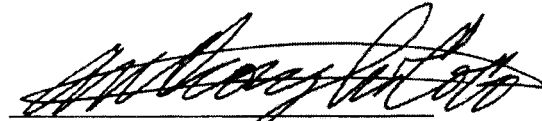
Milwaukee, Wisconsin 53202-3141  
Phone: (414) 727-9455  
Facsimile: (414) 727-6385  
Rick@will-law.org  
ALoCoco@will-law.org  
Lucas@will-law.org  
Libby@will-law.org

*Attorneys for Petitioners*

**CERTIFICATE OF SERVICE**

A copy of this Motion is being served on all opposing parties  
via electronic mail and first-class mail.

Dated: August 26, 2020

  
Anthony F. LoCoco

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
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JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF SHARON SCHMELING IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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who were planning to open the week of August 24<sup>th</sup>, 2020 for in-person instruction of students in grades kindergarten through 12<sup>th</sup>.

6. In consultation with health professionals, Wisconsin Council of Religious & Independent Schools has worked with member schools to ensure they have taken significant steps to prepare for safely offering in-person instruction, including complying with guidance from Department of Public Instruction, Department of Health Services and the Center for Disease Control, investing financial resources into medical and school supplies for in-person instruction, and providing training for school staff on proper cleaning protocols and policies for in-person instruction.

7. As a result of Emergency Order #9, Wisconsin Council of Religious & Independent Schools Dane County members will no longer be allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 12<sup>th</sup>.

8. This has resulted in significant hardships for Wisconsin Council of Religious & Independent Schools members as they now must reconfigure their plans to educate students.



9. Member schools communicated with their families and local communities to learn of their preference for instruction this fall and respond to their families' request for in-person instruction for the 2020-2021 school year.

10. Member schools have invested thousands of dollars into medical and school supplies to prepare to reopen with in-person instruction for the 2020-2021 school year.

11. Members schools have worked diligently for months with local and state official to comply with guidance from local, state and federal agencies to reopen with in-person instruction.

12. Member schools updated their policies and protocols to comply with guidance and create a safe environment for students and staff to have in-person instruction.

13. Member schools in Dane County want to be open for in-person instruction at all grade levels, but because of Emergency Order #9, they are not allowed to do so.

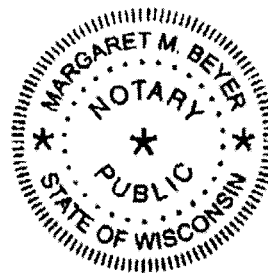
Dated this 26 day of August, 2020.

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Sharon J Schmeling  
Sharon Schmeling

Subscribed to and sworn before me  
this 26 day of August, 2020.

Margaret M. Beyer  
Notary Public, State of Wisconsin  
My commission expires: 11/26/2023



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
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STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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**AFFIDAVIT OF TERENCE BROWN IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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5. School Choice Wisconsin Action represents approximately 4 schools in Dane County that serves approximately 800 students in grades kindergarten to 12<sup>th</sup>.

6. School Choice Wisconsin Action has members who were planning to open the week of August 24<sup>th</sup>, 2020 for in-person instruction of students in grades kindergarten through 12<sup>th</sup>.

7. In consultation with health professionals, School Choice Wisconsin Action has worked with member schools to ensure they have taken significant steps to prepare for safely offering in-person instruction, including complying with guidance from Department of Public Instruction, Department of Health Services and the Center for Disease Control, investing financial resources into medical and school supplies for in-person instruction, and providing training for school staff on proper cleaning protocols and policies for in-person instruction.

8. As a result of Emergency Order #9, School Choice Wisconsin Action members will no longer be allowed to offer in-person instruction to children in grades 3<sup>rd</sup> to 12<sup>th</sup>.

9. This has resulted in significant hardships for School Choice Wisconsin Action members as they now must reconfigure their plans to educate students.

10. Member schools communicated with their families and local communities to learn of their preference for instruction this fall and respond to their families' request for in-person instruction for the 2020-2021 school year.

11. Member schools have invested thousands of dollars into medical and school supplies to prepare to reopen with in-person instruction for the 2020-2021 school year.

12. Member schools have worked diligently for months with local and state officials to comply with guidance from local, state and federal agencies to reopen with in-person instruction.

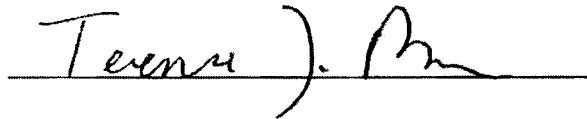
13. Member schools updated their policies and protocols to comply with guidance and create a safe environment for students and staff to have in-person instruction.

14. Member schools, as participants in a parental choice program, are required by state law to comply with all health and

safety laws and codes that apply to public schools. Failure to follow this requirement could result in the Department of Public Instruction issuing an order barring the private school from participating in any of the state's parental choice programs.

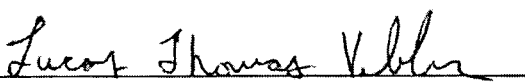
15. Member schools in Dane County want to be open for in-person instruction at all grade levels, but because of Emergency Order #9, they are not allowed to do so.

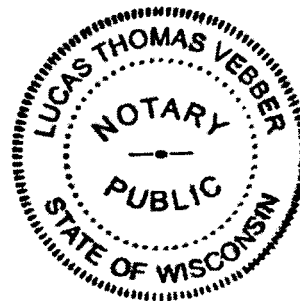
Dated this 26th day of August, 2020.



Terence Brown

Subscribed to and sworn before me  
this 26th day of August, 2020.

  
Notary Public, State of Wisconsin  
My commission is permanent.



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
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MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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AFFIDAVIT OF DOUGLAS BUTLER IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION

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6. In consultation with health professionals, Abundant Life Christian School has taken significant steps to prepare for safely offering in-person instruction, including reorganizing school space, surveying our families for their preference for learning this fall, and investing in cleaning and personal protective equipment.

7. As a result of Emergency Order #9, Abundant Life Christian School is not allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 12<sup>th</sup>.

8. This has resulted in significant hardships for Abundant Life Christian School as we now must reconfigure our plans to educate students.

9. Abundant Life Christian School believes that our students are best served with in-person learning and without in-person instruction, our students' social, emotional, spiritual and mental health will be impacted.

10. Abundant Life Christian School has 20 new families joining the school in grades 3-12 for the 2020-2021 school year.

Providing in-person instruction was a large part of why these families chose to attend Abundant Life Christian School

11. Abundant Life Christian School has invested time and resources in preparing to reopen the school safely.

12. Abundant Life Christian School invested approximately \$7,680 to prepare the building for in-person learning, including purchasing cleaning supplies, school and health supplies to be in compliance with local and state guidance, and learning materials for students.

13. Abundant Life Christian School staff have spent hundreds of hours throughout the summer to prepare to reopen with in-person instruction, including updating the school policies and procedures.

14. Abundant Life Christian School wants to be open for in-person instruction at all grade levels, but because of Emergency Order #9, we are not allowed to do so.

Dated this 26<sup>th</sup> day of August, 2020.

Douglas Butler

Douglas Butler

Subscribed to and sworn before me  
this 26th day of August, 2020.

Nancy L. Van Mosen  
Notary Public, State of Wisconsin,  
My commission expires: 3/3/23

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
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*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF CHARLES MOORE IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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school in the 2020-2021 school year, training all High Point Christian School staff on cleaning protocols and safety concerns, updating our school policies in compliance of recommended safety protocols and purchasing cleaning supplies to adhere to enhanced cleaning measures.

6. As a result of Emergency Order #9, High Point Christian School will no longer be allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 8<sup>th</sup>.

7. This has resulted in significant hardships for High Point Christian School as we now must reconfigure our plans to educate students.

8. In preparation to open our school safely for the 2020-2021 school year, we surveyed High Point Christian families several times on their preference for returning to school this fall. Our surveys found that only 20% of our families wanted virtual learning. The remaining 80% of our families wanted to send their children to school with in-person learning.

9. High Point Christian School staff worked diligently with local health officials to create a plan that complies with state guidance from the Department of Health Services, Department of Public Instruction and the Centers for Disease Control and Prevention.

10. High Point Christian School staff participated in weekly calls with local health officials to respond to guidance and recommendations for opening safely.

11. High Point Christian School staff spent hours updating their school policies to comply with local, state and federal guidance on health and safety protocols for students and staff.

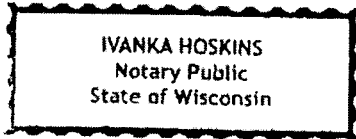
12. High Point Christian School updated their school policies pertaining to staff expectations for cleaning protocols, daily schedules to comply with social distancing requirements, and daily screening policies for student and staff health.

13. High Point Christian School invested \$17,990 in cleaning supplies for the 2020-2021 school year.



14. High Point Christian School wants to be open for in-person instruction at all grade levels, but because of Emergency Order #9, we are not allowed to do so.

Dated this 26<sup>th</sup> day of August, 2020.



A handwritten signature in black ink, appearing to read "Charles Moore", written over a horizontal line.

Charles Moore

STATE OF WISCONSIN  
COUNTY OF DANE

Subscribed to and sworn before me  
this 26<sup>th</sup> day of August, 2020.

A handwritten signature in black ink, appearing to read "Ivanka Hoskins", written over a horizontal line.

Notary Public, State of Wisconsin

My commission expires: \_\_\_\_\_ My Commission expires  
June 15, 2022

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
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MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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**AFFIDAVIT OF TIA SIERRA IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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6. In consultation with health professionals, Lighthouse Christian School has taken significant steps to prepare for safely offering in-person instruction, including reorganizing school space, investing in new equipment and furniture to allow students to safely distance, and investing in cleaning and personal protective equipment.

7. As a result of Emergency Order #9, Lighthouse Christian School will no longer be allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 8<sup>th</sup>.

8. This has resulted in significant hardships for Lighthouse Christian School as we now must reconfigure our plans to educate students.

9. Lighthouse Christian School believes that our students are best served with in-person learning and without in-person instruction, our students' social, emotional, spiritual and mental health will be impacted.

10. Lighthouse Christian School has 15 new families joining the school in grades 3-8 for the 2020-2021 school year.

Providing in-person instruction was a large part of why these families chose to attend Lighthouse Christian School.

11. Lighthouse Christian School has invested time and resources in preparing to reopen the school safely.

12. Lighthouse Christian School invested approximately \$100,000 to prepare the building for in-person learning, including building new classroom spaces, purchasing cleaning supplies and purchasing learning materials for students.

13. In compliance with social distancing recommendations, Lighthouse Christian Schools changed the layout of its building by removing non-school staff and converting the extra space into classrooms.

14. Lighthouse Christian School staff have spent several hours throughout the summer to prepare to reopen with in-person instruction, including updating the school policies and procedures.

15. Lighthouse Christian School wants to be open for in-person instruction at all grade levels, but because of Emergency Order #9, we are not allowed to do so.

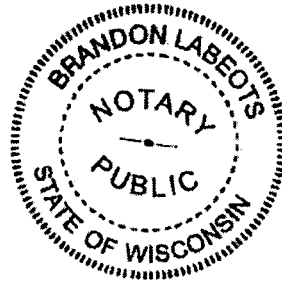
Dated this 26 day of August, 2020.

Tia Sierra

Tia Sierra

Subscribed to and sworn before me  
this 26 day of August, 2020.

[Signature]  
Notary Public, State of Wisconsin  
My commission expires: 8/5/2022



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
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STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

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JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF RUSS HISSOM IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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STATE OF WISCONSIN            )  
  ) SS.  
COUNTY OF DANE                )

I, Russ Hissom, being first duly sworn, on oath, states as follows:

1. I am a resident of the State of Wisconsin and make this declaration based on my personal knowledge.
2. I am the School Board Chairman of Peace Lutheran School located in Sun Prairie, Dane County, Wisconsin.
3. Peace Lutheran School serves approximately 125 students in grades kindergarten through 8<sup>th</sup>.
4. Peace Lutheran School was planning to open on August 25, 2020 for in-person instruction of students in grades kindergarten through 8<sup>th</sup> grade.
5. In consultation with health professionals, Peace Lutheran School has taken significant steps to prepare for safely offering in-person instruction, including participating in twice a week phone calls with local and state health officials, updating



school policies to comply with local and state guidelines and recommendations, and investing thousands of dollars to ensure Peace Lutheran School would be able to open in compliance with state guidance.

6. As a result of Emergency Order #9, Peace Lutheran School will no longer be allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 8<sup>th</sup>.

7. This has resulted in significant hardships for Peace Lutheran School as we now must reconfigure our plans to educate students.

8. Peace Lutheran School believes that our students are best served with in-person learning and without in-person instruction, our students' social, emotional, spiritual and mental health will be impacted.

9. Peace Lutheran School has 16 new families joining the school in grades 3-8 for the 2020-2021 school year. Providing in-person instruction was a large part of why these families chose to attend Peace Lutheran School.

10. Peace Lutheran School has invested time and resources in preparing to reopen the school safely.

11. Peace Lutheran School staff have spent several hours throughout the summer to prepare to reopen with in-person instruction, including updating the school policies and procedures.

12. Peace Lutheran School Board invested several hours to oversee the school's policies and procedures to safely reopen this fall with in-person instruction.

13. Peace Lutheran School invested around \$4,000 to prepare the school to reopen with in-person instruction and include investments into cleaning supplies and other school supplies to comply with local and state guidance for reopening, including personal protective equipment and medical supplies.

14. Peace Lutheran School wants to be open for in-person instruction at all grade levels, but because of Emergency Order #9, we are not allowed to do so.

Dated this 25 day of August, 2020.

Russ Hissom

Russ Hissom

Subscribed to and sworn before me  
this 25~~th~~ day of August, 2020.

Daniel G. Anderson

Notary Public, State of Wisconsin

My commission expires: 9/2/2020

**DANIEL G ANDERSON**  
Notary Public  
State of Wisconsin

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
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*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF STEVE DETTMAN IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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6. In consultation with health professionals, Westside Christian School has taken significant steps to prepare for safely offering in-person instruction, including reorganizing school space, surveying our families for their preference for learning this fall, and investing in cleaning and personal protective equipment.

7. As a result of Emergency Order #9, Westside Christian School is not allowed to offer in-person instruction to children in grades 3<sup>rd</sup> through 8<sup>th</sup> and has been forced to delay its start date for children in grades 3-8 until August 31<sup>st</sup>.

8. This has resulted in significant hardships for Westside Christian School as we now must reconfigure our plans to educate students.

9. Westside Christian School believes that our students are best served with in-person learning and without in-person instruction, our students' social, emotional, spiritual and mental health will be impacted.

10. Westside Christian School has 17 new families joining the school in grades 3-8 for the 2020-2021 school year.

Providing in-person instruction was a large part of why these families chose to attend Westside Christian School.

11. Westside Christian School has invested time and resources in preparing to reopen the school safely and in accordance with guidance from the Center for Disease Control, the Department of Public Instruction, the Department of Health Services and the Public Health Madison and Dane County Department.

12. Westside Christian School invested approximately \$50,000 to prepare the building for in-person learning, including purchasing cleaning supplies and personal protective equipment, school and health supplies to be in compliance with local and state guidance, and learning materials for students.

13. Westside Christian School staff have spent several hours throughout the summer to prepare to reopen with in-person instruction, including updating the school policies and procedures.

14. Nearly 40% of Westside Christian Schools students meet the federal threshold as economically disadvantaged or are just over the threshold. These members of our community do not have access to additional means to provide for childcare and often work essential jobs or jobs that cannot be completed from home.

15. Westside Christian School wants to be open for in-person instruction at all grade levels, but because of Emergency Order #9, we are not allowed to do so.

Dated this 26<sup>th</sup> day of August, 2020.

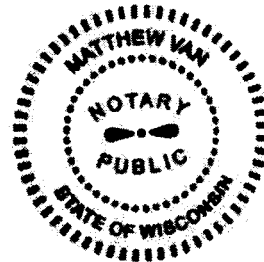


Steve Dettman

Subscribed to and sworn before me  
this 26<sup>th</sup> day of August, 2020.



Notary Public, State of Wisconsin  
My commission expires: May 2, 2024





IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAEUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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**AFFIDAVIT OF CRAIG BARRETT IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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7. My wife and I believe that our children's mental, social and emotional well-being is best served by receiving in-person instruction at Peace Lutheran School.

8. My wife and I felt confident that Peace Lutheran School had taken every precaution to create a safe environment for our children to attend school in-person.

9. As a result of Emergency Order #9, my 3<sup>rd</sup> and 6<sup>th</sup> grade children are not permitted to receive in-person instruction at Peace Lutheran School. However, my 2<sup>nd</sup> grade child is able to attend Peace Lutheran School in-person.

10. This has caused emotional challenges for my 3<sup>rd</sup> and 6<sup>th</sup> grade children who want to receive in-person instruction at Peace Lutheran School.

11. My wife and I chose Peace Lutheran School in part for religious reasons. Their mission and values, including their religious beliefs, are important to our decision in where to send our child.

12. We send our children to Peace Lutheran School to receive in-person religious instruction, which is a major part of my child's religious formation.

13. Emergency Order #9 directly and substantially burdens the exercise of our faith and our ability to ensure our children receive proper religious formation.

14. As a parent, I have a fundamental right to direct the education and upbringing of my children. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my children to school for in-person instruction as planned.

Dated and signed this day of August, 2020.

*[Handwritten Signature]*

INDIVIDUAL

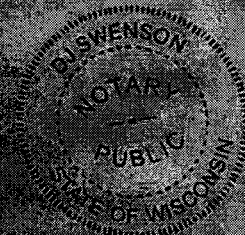
Subscribed and sworn to before me  
this 21 day of August, 2020.

*[Handwritten Signature]*

Notary Public, State of Wisconsin

My commission expires 02/16/2024

*[Handwritten Signature]*



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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**AFFIDAVIT OF ERIN HAROLDSON IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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6. My husband and I wanted to send our child to a school that was planning on providing in-person instruction for the 2020-2021 school year.

7. My child used to attend a public school in Mount Horeb.

8. My husband and I believe that our child's mental, social and emotional well-being is best served by receiving in-person instruction.

9. My husband and I enrolled our child at High Point Christian School with the intention that our child would attend school and receive in-person instruction.

10. My husband and I felt confident that High Point Christian School had taken every precaution to create a safe environment for our child to attend school in-person.

11. My child was excited and ready to attend to High Point Christian School for in-person instruction this fall.

12. As a result of Emergency Order #9, our child cannot receive in-person instruction and this has caused emotional harm to our child.

13. My husband and I will need to adjust our work schedules and find alternative childcare in order to accommodate our child's requirement to participate in distance learning.

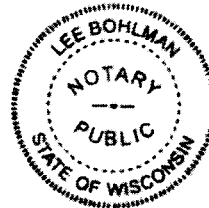
14. As a parent, I have a fundamental right to direct the education and upbringing of my child. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my child to school for in-person instruction as planned.

Dated this 26 day of August, 2020.

Erin Haroldson

Erin Haroldson

Subscribed to and sworn before me  
this 26<sup>th</sup> day of August, 2020.



Lee Bohlmann  
Notary Public, State of Wisconsin  
My commission expires: 12/04/23



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

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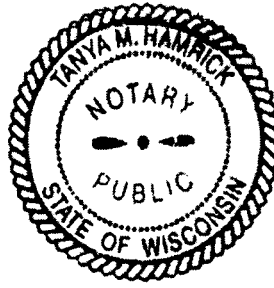
**AFFIDAVIT OF KIMBERLY HARRISON IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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Subscribed to and sworn before me  
this 25<sup>th</sup> day of August, 2020.

Tanya M. Hamrick  
Notary Public, State of Wisconsin  
My commission expires: January 3, 2024



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF SHERI HOLZMAN IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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STATE OF WISCONSIN            )  
  ) SS.  
COUNTY OF DANE                )

I, Sheri Holzman, being first duly sworn, on oath, states as follows:

1. I am a resident of the State of Wisconsin and make this declaration based on my personal knowledge.
2. I reside at 3931 Mueller Road, in the Village of Windor, Dane County, Wisconsin.
3. I am the parent of three children who will be entering 3<sup>rd</sup>, 5<sup>th</sup> and 8<sup>th</sup> grades this fall at Peace Lutheran School in Sun Prairie, Dane County, Wisconsin.
4. My children were scheduled to begin in-person instruction at Peace Lutheran School on August 25<sup>th</sup>, 2020.
5. As a result of Emergency Order #9, Peace Lutheran School will no longer be allowed to offer in-person instruction to my children and this has caused a significant hardship on my family.

6. My children were excited and ready to return to Peace Lutheran School for in-person instruction this fall.

7. My husband and I believe that our children's mental, social and emotional well-being is best served by receiving in-person instruction at Peace Lutheran School.

8. My husband and I felt confident that Peace Lutheran School had taken every precaution to create a safe environment for our children to attend school in-person.

9. As a result of Emergency Order #9, none of my three children are permitted to receive in-person instruction at Peace Lutheran School.

10. This has caused emotional challenges for children who want to receive in-person instruction at Peace Lutheran School.

11. We reside in a rural area within the Village of Windsor and have limited internet options for our home.

12. Our limited internet service will restrict our children's ability to fully participate in distance learning, which is required by Emergency Order #9.

13. As a parent, I have a fundamental right to direct the education and upbringing of my children. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my children to school for in-person instruction as planned.

Dated this 26<sup>th</sup> day of August, 2020.

Sheri Holzman

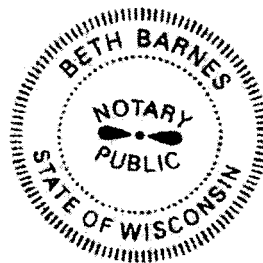
Sheri Holzman

Subscribed to and sworn before me  
this 26<sup>th</sup> day of August, 2020.

Beth Barnes

Notary Public, State of Wisconsin

My commission expires: 10/16/2020



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF MYRIAH MEDINA IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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6. We have been able to send our child to Our Redeemer Lutheran School with help of financial aid and significant financial sacrifices by our family.

7. As a two-parent working household, our child could be forced to be home alone and participate in virtual learning, rather than in-person learning.

8. I am an essential worker and work in early childhood. My husband is a plumber and is often on call for his job.

9. Our child's education suffered in the spring when she was forced to use virtual learning and we are concerned she will continue to struggle if she is unable to attend school in person.

10. Additionally, our family has difficulty accessing reliable internet service which will impact our child's ability to participate in virtual learning.

11. As a parent, I have a fundamental right to direct the education and upbringing of my child. The ability to do so is very important to me. Emergency Order #9 directly and substantially

interferes with that right by preventing me from sending my  
child to school for in-person instruction as planned.

Dated this \_\_\_\_\_ day of August, 2020.

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Myriah Medina

Subscribed to and sworn before me  
this \_\_\_\_\_ day of August, 2020.

---

Notary Public, State of Wisconsin

My commission expires: \_\_\_\_\_

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAEUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

AFFIDAVIT OF LAURA STIENHAUER IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION

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to one of my children and this has caused a significant hardship on my family.

6. Our 5<sup>th</sup> grade child will not be able to attend in-person at Madison Country Day School despite being prepared and excited to attend in-person.

7. Our family invested in private school tuition and in school supplies, including uniforms, for the 2020-2021 school year.

8. Our family recently committed to moving closer to Madison Country Day School to accommodate our family's commitment to attend Madison Country Day School for our children's K-12 education. We have committed significant financial resources to move to Waunakee.

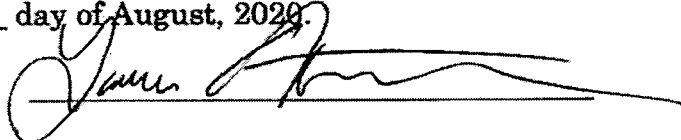
9. As a result of Emergency Order #9, my husband and I had to adjust our plans for childcare and homeschooling since one of our children cannot attend in-person instruction at Madison Country Day School.

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10. I was planning on reentering the workforce and to complete my licensure training as a realtor while our children received in-person instruction for the 2020-2021 school year. As a result of Emergency Order #9, I will no longer be able to pursue this since one of our children will not receive in-person instruction.

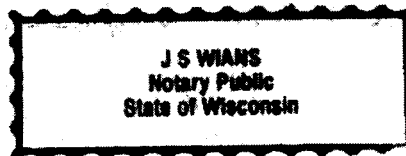
11. As a parent, I have a fundamental right to direct the education and upbringing of my children. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my children to school for in-person instruction as planned.

Dated this 26 day of August, 2020.



Laura Steinhauer

Subscribed to and sworn before me  
this 26 day of August, 2020.



Notary Public, State of Wisconsin *County of Dane*  
My commission expires: *May 1 2024*



IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRIAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF BRYANT STEMPSKI IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

---



6. My children were excited and ready to return to Peace Lutheran School for in-person instruction this fall.

7. My wife and I believe that our children's mental, social and emotional well-being is best served by receiving in-person instruction at Peace Lutheran School.

8. My wife and I felt confident that Peace Lutheran School had taken every precaution to create a safe environment for our children to attend school in-person.

9. As a result of Emergency Order #9, my 5<sup>th</sup> and 7<sup>th</sup> grade children are not permitted to receive instruction at Peace Lutheran School. However, my 2<sup>nd</sup> grade child is able to attend Peace Lutheran School in-person.

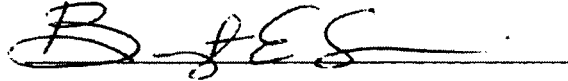
10. This has caused emotional challenges for my 5<sup>th</sup> and 7<sup>th</sup> grade children who want to receive in-person instruction at Peace Lutheran School.

11. My wife and I will need to adjust our work schedules in order to accommodate two of our childrens requirement to

participate in distance learning. This will cause financial hardship on our family.

12. As a parent, I have a fundamental right to direct the education and upbringing of my children. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my children to school for in-person instruction as planned.

Dated this 25<sup>TH</sup> day of August, 2020.



Bryant Stempski

Subscribed to and sworn before me  
this 25<sup>TH</sup> day of August, 2020.



Notary Public, State of Wisconsin  
My commission expires: PERMANENT

**DANIEL L. GHOCA  
NOTARY PUBLIC  
STATE OF WISCONSIN**

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

WISCONSIN COUNCIL OF RELIGIOUS AND INDEPENDENT SCHOOLS,  
SCHOOL CHOICE WISCONSIN ACTION, ABUNDANT LIFE CHRISTIAN  
SCHOOL, HIGH POINT CHRISTIAN SCHOOL, LIGHTHOUSE CHRISTIAN  
SCHOOL, PEACE LUTHERAN SCHOOL, WESTSIDE CHRISTIAN  
SCHOOL, CRAIG AND SARAH BARRETT, ERIN AND KENT HAROLDSON,  
KIMBERLY HARRISON, SHERI AND ANDREW HOLZMAN, MYRLAH  
MEDINA, LAURA AND ALAN STEINHAUER, JENNIFER AND BRYANT  
STEMPSKI, AND CHRISTOPHER AND HOLLY TRUITT,

*Petitioners,*

v.

JANEL HEINRICH, IN HER OFFICIAL CAPACITY AS PUBLIC HEALTH  
OFFICER AND DIRECTOR OF PUBLIC HEALTH OF MADISON & DANE  
COUNTY

AND

PUBLIC HEALTH OF MADISON & DANE COUNTY,

*Respondents.*

---

**AFFIDAVIT OF CHRISTOPHER TRUITT IN SUPPORT OF  
EMERGENCY PETITION FOR AN ORIGINAL ACTION  
AND EMERGENCY MOTION FOR A TEMPORARY  
INJUNCTION**

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STATE OF WISCONSIN            )  
  ) SS.  
COUNTY OF DANE                )

I, Christopher Truitt, being first duly sworn, on oath, states  
as follows:

1. I am a resident of the State of Wisconsin and make  
this declaration based on my personal knowledge.

2. I reside at 6217 Harvest Lane, in the Village of De  
Forest, Dane County, Wisconsin.

3. I am the parent of one child who will be entering 10<sup>th</sup>  
grade this fall at Abundant Life Christian School in Madison,  
Dane County, Wisconsin.

4. My child was scheduled to begin in-person  
instruction at Abundant Life Christian School on August 25<sup>th</sup>,  
2020.

5. As a result of Emergency Order #9, Abundant Life  
Christian School will no longer be allowed to offer in-person

instruction to my child and this has caused a significant hardship on my family.

6. My child were excited and ready to return to Abundant Life Christian School for in-person instruction this fall.

7. My wife and I believe that our child's mental, social and emotional well-being is best served by receiving in-person instruction at Abundant Life Christian School.

8. My wife and I felt confident that Abundant Life Christian School had taken every precaution to create a safe environment for our child to attend school in-person.

9. My child has a mild learning disability that requires smaller classes and one-on-one, in-person instruction for our child's academic success.

10. My child's education suffered in the spring when forced to learn solely with virtual learning and I am concerned my child will continue to struggle this school year without in-person instruction.

11. My wife and I chose Abundant Life Christian School in part for religious reasons. Their mission and values, including their religious beliefs, are important to our decision in where to send our child.

12. We send our child to Abundant Life Christian School to receive in-person religious instruction, which is a vital part of my child's religious formation.

13. Emergency Order #9 directly and substantially burdens the exercise of our faith and our ability to ensure our child receives proper religious formation.

14. As a parent, I have a fundamental right to direct the education and upbringing of my child. The ability to do so is very important to me. Emergency Order #9 directly and substantially interferes with that right by preventing me from sending my child to school for in-person instruction as planned.

Dated this 26 day of August, 2020.

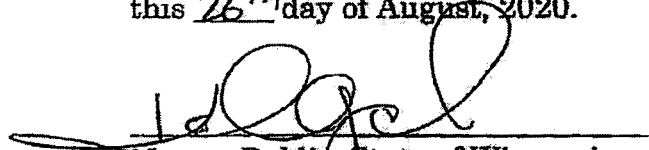


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Christopher Truitt



Subscribed to and sworn before me  
this 26<sup>TH</sup> day of August, 2020.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: 8/6/2022

