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August 19, 2022

The Honorable Ralph M. Ramirez
Circuit Court Judge, Branch 3
Waukesha County Circuit Court
515 W. Moreland Blvd.
Waukesha, WI 53118

Re: Case No. 21CV1710
Gableman v. Genrich, et al.
Response to Court's Letter Dated
August 18, 2022

Dear Judge Ramirez:

This letter is in response to your correspondence dated August 18, 2022, related to the above-referenced case currently pending in your Court.

As you referenced in your letter, Mr. Gableman was terminated from his role as Special Counsel effective August 12, 2022. The termination of Mr. Gableman has no effect on the pending litigation or the enforceability of the subpoenas at issue in this litigation. This remains the legal situation for two reasons.

First, the subpoenas being enforced and at issue in this litigation are subpoenas issued by the Wisconsin State Assembly (hereinafter, "the Assembly"), not by Mr. Gableman. While the Office of Special Counsel was created to be the administrative arm of the Assembly, the validity of the subpoenas is not changed by the Office of Special Counsel not having a person as Special Counsel in place. The subpoenas were issued by the Assembly under its plenary authority to issue the same, not by Mr. Gableman.

Second, the Office of Special Counsel has not been terminated by the termination of Mr. Gableman. The Office of Special Counsel is a separate legal entity and exists whether there is a person as Special Counsel or not. This is analogous to an Office of Governor, which exists even when there is not a person as governor in place to exercise the powers of the office.

The absence of a person as Special Counsel may have an effect in the future if the Court orders the subpoenas to be enforced and depositions are to be taken, as the depositions are to be taken before the Special Counsel or his designee. However, this can be cured in the future with the appointment of a Special Counsel and does not implicate the Court enforcing the subpoenas now.

The Honorable Ralph M. Ramirez
Page 2
August 19, 2022

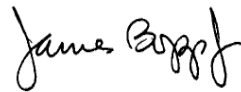
Finally, it is the intention of Speaker Robin Vos to conclude the investigation in which the subpoenas at issue in this litigation were issued. Because there are two cases in which the subpoenas are at issue and the other one wherein the Assembly, the Speaker, and the Office of Special Counsel are being sued, the Speaker is in consultation with his lawyers, and his lawyers will be in consultation with the lawyers in the other two cases, to ultimately determine what actions, if any, should be taken regarding the subpoenas.

If the Court desires any additional information or has any additional questions, our office will be happy to provide.

Sincerely,

Electronically signed by:

THE BOPP LAW FIRM, PC

A handwritten signature in black ink, appearing to read "James Bopp, Jr.", written in a cursive style.

James Bopp, Jr.
Cassandra R. Dougherty

CC: All parties via e-filing