

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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MADISON VIGIL FOR LIFE, INC.,  
GWEN FINNEGAN, JENNIFER DUNNETT,  
MARY MARKIELEWSKI,  
THERESA KLINKHAMMER, CONSTANCE  
NIELSEN, STUDENTS FOR LIFE OF MADISON,  
BADGER CATHOLIC, FR. RICHARD HEILMAN,  
SARAH QUINONES and RYAN WOODHOUSE,

Plaintiffs,

Case No: 14-cv-157-wmc

v.

THE CITY OF MADISON, WISCONSIN,

Defendants.

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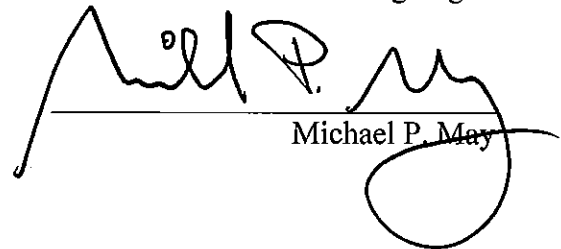
**DECLARATION OF MICHAEL P. MAY**

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I, Michael P. May, declare as follows:

1. I am City Attorney for the City of Madison. I make this declaration based on my own personal knowledge and in support of the City of Madison's motion to dismiss plaintiffs' complaint.
2. On February 25, 2014, the City of Madison Common Council voted unanimously to approve Madison General Ordinance sec. 23.01, "Prohibition on Obstructing Entryways to Health Clinics" (MGO 23.01). I was at the meeting and observed the vote.
3. On February 28, 2014, the City Clerk presented MGO 23.01 to the Mayor. The Mayor approved MGO 23.01 on that same date.
4. MGO 23.01 was published on March 6, 2014.
5. Shortly after MGO 23.01 was passed by the Common Council, sponsors of the ordinance began considering modification of its language.
6. On March 4, 2014, the Common Council held a Council meeting. I was present at the meeting. During the meeting, one of the sponsors of MGO 23.01, Alder Lisa Subeck, made a motion to reconsider MGO 23.01.

7. Alder Subeck's motion was made under an agenda item that allows for introduction of matters, with referral for action to a later meeting. Because Alder Subeck's motion to reconsider was not itself on the agenda for the March 4, 2014 meeting, the motion to reconsider was introduced and referred to the Council's next meeting, scheduled for March 18, 2014. This was done to assure compliance with Wisconsin's Open Meetings Law. The Common Council will vote on Alder Subeck's motion to reconsider at the March 18 meeting.
8. It is uncertain at this date whether the Common Council will pass Alder Subeck's motion to reconsider MGO 23.01. If the Common Council does pass Alder Subeck's motion to reconsider on March 18, 2014, the Common Council may modify the language of MGO 23.01.
9. The Common Council follows Robert's Rules of Order § 37 with respect to the effect of motions to reconsider. Under Robert's Rule § 37 (p. 321), Alder Subeck's motion to reconsider suspended operation of the ordinance. Until reconsideration is decided and the Council takes further action, MGO 23.01 is not in effect.
10. Attached as Exhibit A is a true and correct copy of the current version of Robert's Rules of Order § 37.
11. Attached as Exhibit B is a true and correct copy of a Memorandum dated July 13, 2004 that I drafted for the Mayor and Common Council members explaining the rules governing reconsideration motions.
12. Attached as Exhibit C is a true and correct copy of the Legistar Master file showing the legislative history for MGO 23.01.
13. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
Michael P. May