

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

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.

**DEFENDANT CITY OF MADISON'S MOTION TO STAY BRIEFING ON
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Defendant City of Madison has moved to dismiss plaintiffs' complaint under Rules 12(b)(1) and 12(b)(5) of the Federal Rules of Civil Procedure on the grounds that it is premature and there was insufficient service of process. Under Rule 12(a)(4)(a), the City's deadline for filing an answer to the complaint is postponed as a result of the Motion to Dismiss. However, the City remains obligated by the Court's February 28, 2014 Opinion & Order, dkt. #7, to file a brief in response to plaintiffs' request for a preliminary injunction.

The City now requests that the Court stay briefing on plaintiffs' Motion for a Preliminary Injunction until after the Court resolves the City's Motion to Dismiss. For the reasons explained in the City's Brief in Support of its Motion to Dismiss, plaintiffs' request for a preliminary injunction is not ripe. It would be premature to evaluate the constitutionality of Madison General Ordinance 23.01 in light of the motion to reconsider the ordinance that is currently pending

before the City's Common Council. Accordingly, the City requests that it be relieved from complying with the March 31, 2014 response deadline set forth in the Court's February 28 Opinion & Order.

DATED: March 7, 2014.

BOARDMAN & CLARK LLP

By

/s/ Sarah B. Painter

Catherine M. Rottier, #1016342

Richard L. Bolton, #1012552

Sarah B. Painter, #1076046

1 South Pinckney Street, Suite 410

P.O. Box 927

Madison, Wisconsin 53701-0927

Telephone: (608) 257-9521

Facsimile: (608) 283-1709

E-mail: crottier@boardmanclark.com

rbolton@boardmanclark.com

spainter@boardmanclark.com