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MEDIA STATEMENT

November 4, 2009

***Wisconsin State Supreme Court declines Original Jurisdiction in *Appling v. Doyle*
Statement by Wisconsin Family Action Attorneys Richard Esenberg and Michael Dean***

Yesterday the Wisconsin Supreme Court issued an order denying the original action petition filed in July by Wisconsin Family Action board members. The petition alleges that earlier this year, the domestic partnership registry created as part of this year's budget bill violates Article XIII, Sec. 13 of the Wisconsin Constitution.

It is always difficult to invoke the Court's original jurisdiction, which is rarely exercised. We filed our petition directly with the state supreme court instead of the trial court because we believed it was important to quickly address the legislature's disregard of the Wisconsin Constitution and the will of the 1.25 million voters who approved the Marriage Amendment on a nearly 60% to 40% margin. While we are disappointed, we know that the court's decision to decline original jurisdiction can be based on any number of factors and implies nothing about the merits of the constitutional challenge. We are confident that Attorney General J.B. Van Hollen was correct when he concluded that the registry is unconstitutional and that he could not defend against the petition. The action may now be brought in circuit court, and we are preparing our next steps to protect and uphold the constitution and the will of the voters.

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Wisconsin Family Action actively strengthens and preserves marriage, family, life and liberty in Wisconsin.