

MICHAEL GABLEMAN, IN HIS OFFICIAL CAPACITY AS SPECIAL  
COUNSEL TO THE WISCONSIN ASSEMBLY

Plaintiffs/Appellants,

v.

Case No.: \_\_\_\_\_

ERIC GENRICH, PERSONALLY, AND IN HIS OFFICIAL CAPACITY  
AS MAYOR OF GREEN BAY, WISCONSIN

Defendant

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**MOTION FOR AN ORDER TO COMPEL COMPLIANCE WITH A  
LEGISLATIVE SUBPOENA AND FOR AN ORDER TO APPEAR AND  
SHOW CAUSE**

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COMES NOW the Special Counsel, and for his motion states:

**THE PARTIES**

1.     The plaintiff is Michael Gableman, a retired Justice of the Wisconsin Supreme Court. He was duly appointed and authorized by the Wisconsin Assembly and charged with conducting legislative investigation and oversight into Wisconsin's elections.

2.     That the defendant is Eric Genrich. He was the duly elected and serving mayor of Green Bay, Wisconsin, during the 2020 elections and at the time a legislative subpoena was issued to and served upon him.

**JURISDICTION AND VENUE**

3.     This Court has jurisdiction over the parties pursuant to Wis. Stat. § 13.31.

4.     This Court has jurisdiction over the parties pursuant to Wis. Stat. § 885.12.

5.     Venue is proper in this court pursuant to Wis. Stat. § 885.12 because the subpoena

was to be returned and the deposition was to be attended in Waukesha County.

### **FACTS**

6. Michael Gableman was appointed Special Counsel by the Assembly on **DATE**.

7. Pursuant to his appointment, he is to conduct legislative oversight and investigation into Wisconsin elections, including the 2020 elections.

8. As a result of the legislative investigation process, the Special Counsel obtained information relating to Green Bay's election administration that was subject to legislative review.

9. The Special Counsel issued a subpoena *duces tecum* to Eric Genrich pursuant to Wis. Stat. § 13.31. Pleading further, this subpoena *duces tecum* was for the production of documents and testimony by deposition in Waukesha County on **DATE**.

10. That on **DATE**, Eric Genrich failed to object to the subpoena, produce documents, or appear and give testimony.

### **CAUSE OF ACTION AND REQUESTED RELIEF**

11. The circuit court in which a witness's attendance is required by legislative subpoena has the authority to enforce a legislative subpoena.

12. The Special Counsel moves the court to enforce the legislative subpoena *duces tecum* issued to Eric Genrich by compelling him to provide the documents commanded by the subpoena and appear at a deposition on December 14, 2021, at 9:00 a.m.

13. In the alternative, the Special Counsel moves the court to order Eric Genrich to appear and show cause for his failure to attend the deposition or comply with the subpoena *duces tecum*.

14. The State of Wisconsin has been damaged by the actions of Eric Genrich. These damages include attorney's fees and costs.

15. That Eric Genrich should be ordered to pay these fees and costs pursuant to Wis. Stat. § 885.11(1).

WHEREFORE the Special Counsel moves this honorable court to enforce the legislative subpoena, order the defendant to appear with commanded documents and give testimony, alternatively, to appear and show cause, and for all other just and proper relief to which it may be entitled.