

Voters with Facts Press Release
October 3, 2017

**WISCONSIN SUPREME COURT GRANTS WILL'S PETITION ON
BEHALF OF VOTERS WITH FACTS**

On October 2, 2017, the Wisconsin Supreme Court granted the Wisconsin Institute for Law and Liberty's (WILL) petition for review of the Court of Appeals' July 2017 decision in the Voters with Facts lawsuit against the City of Eau Claire. That lawsuit seeks to invalidate the City's actions in creating and amending two tax incremental financing ("TIF") districts to fund certain aspects of the Confluence Project and, in particular, to use taxpayer money to pay fees and expenses to the real estate developers involved in the construction of the student residence hall/mixed use facility.

The lawsuit was dismissed by the lower court and Voters with Facts appealed. The Wisconsin Court of Appeals reversed, sending the case back to the lower court with directions that it proceed with judicial review of the legality of the City's actions and the validity of the Tax Incremental Districts in question. But in doing so the Court of Appeals ruled against Voters with Facts on some of their claims - claims that raise important constitutional and procedural questions that, as a result of its acceptance of the petition, the Supreme Court will be reviewing. Oral argument will likely be held sometime in the first half of 2018 and a decision is expected by July.

A spokesman for Voters with Facts stated, "We are pleased that the Wisconsin Supreme Court will be reviewing our case. Its decision will be important, as the constitutional and procedural questions at issue have major ramifications for taxpayers."

Rick Esenberg, President and General Counsel of WILL commented, "We're glad the Wisconsin Supreme Court has agreed to hear our case," said. "The court of appeals' opinion created confusion as to who has legal standing to challenge an unlawful TIF district and ruled on our constitutional claims without fully considering our arguments. It essentially held that tax dollars can be given away to private developers without meaningful review of whether the statutory prerequisites for doing so have been met."

Additional information about the case can be found at <http://www.will-law.org/our-cases/good-government/voters-with-facts-v-eau-claire/> or <http://voterswithfacts.com/TIF-Lawsuit-Document-Links.html>