

SUPREME COURT OF WISCONSIN

CASE No.: 2009AP246

COMPLETE TITLE:

Deanne Phillips,
Plaintiff-Appellant,
v.
U.S. Bank National Association,
Defendant-Respondent-Petitioner.

REVIEW OF A DECISION OF THE COURT OF APPEALS
2010 WI App 35

Reported at: 324 Wis. 2d 151, 781 N.W.2d 540
(Ct. App. 2010 - Published)

OPINION FILED: November 19, 2010

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: November 2, 2010

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Milwaukee
JUDGE: Timothy G. Dugan

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: ZIEGLER, J., did not participate.

ATTORNEYS:

For the defendant-respondent-petitioner there were briefs filed by *Bradley C. Fulton* and *Mindy J. Rowland, DeWitt Ross & Stevens S.C.*, Madison, and oral argument by *Bradley C. Fulton*.

For the plaintiff-appellant there was a brief filed by *Alan C. Olson* and *Nicholas M. McLeod, Alan C. Olson & Associates, S.C.*, New Berlin, and oral argument by *Alan C. Olson*.

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2009AP246
(L.C. No. 2007CV14855)

STATE OF WISCONSIN

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IN SUPREME COURT

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FILED

NOV 19, 2010

A. John Voelker
Acting Clerk of Supreme
Court

REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on the question of whether the decision of the court of appeals, Phillips v. U.S. Bank National Association, 2010 WI App 35, 324 Wis. 2d 151, 781 N.W.2d 540, should be affirmed or reversed. Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY and Justice N. PATRICK CROOKS would affirm; Justice DAVID T. PROSSER, Justice PATIENCE DRAKE ROGGENSACK and Justice MICHAEL J. GABLEMAN would reverse. Justice ANNETTE K. ZIEGLER did not participate.

¶2 Accordingly, the decision of the court of appeals is affirmed.

