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Wisconsin Supreme Court accepts two new cases

Madison, Wisconsin (Sept. 15, 2023) – The Wisconsin Supreme Court recently voted to accept one new case, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin and the issues presented in granted cases are listed below. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of pending Supreme Court cases can be found [here](#).

2021AP1589

Sojenhomer LLC v. Village of Egg Harbor

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Door County, Judge David L. Weber, *reversed and cause remand with directions*

Long caption: Sojenhomer LLC, Plaintiff-Appellant v. Village of Egg Harbor, Defendant-Respondent-Petitioner

Issue presented:

Do the recently enacted prohibitions on condemnation for “pedestrian ways” set forth in Wis. Stat. § 32.015 and Wis. Stat. § 61.34(3)(b), prohibit Wisconsin municipalities from exercising their condemnation powers pursuant to Wis. Stat. § 61.34(3)(a), to widen and reconstruct a road when a sidewalk will be located within the right-of-way?

2022AP13

Amazon v. LIRC (Justice Brian Hagedorn did not participate)

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Waukesha County, Judge Michael O. Bohren, *reversed and cause remand with directions*.

Long caption: Amazon Logistics, Inc., Plaintiff-Respondent-Petitioner v. Labor and Industry Review Commission, Defendant-Appellant, Department of Workforce Development UI Div. Bureau of Legal Affairs, Defendant-Co-Appellant

Issues presented:

1. Whether the Court of Appeals erred in construing three distinct statutory conditions for determining independent-contract status under Wis. Stat. § 108.02(12)(b) to collapse into one in the context of gig workers in the modern economy.
2. Whether the Court of Appeals erred in deferring to LIRC's legal conclusions about whether evidence was admissible and sufficient to satisfy Amazon Logistics' burden of proof.
3. Whether the Court of Appeals erred in holding that Amazon Logistics was required to present evidence about each of the 1,000-plus workers at issue during the single-day hearing set for its appeal of the underlying unemployment benefits determination.

Review denied: The Supreme Court denied review in the following cases. As the state's law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

Ashland County

2021AP2128-CR

State v. Kaseno

2021AP2129-CR

Barron County

2021AP843

State v. Nelson

2021AP844

2021AP845

2023AP37

Barron Co. DH&HS v. Q.B.

2023AP60

Barron County DH&HS v. J.W.

Brown County

2021AP1053-CR

State v. Mitchell

2022AP2168 Brown County H&HS v. T.H.

2022AP2169

2022AP2170

2022AP2171

Calumet County

2022AP995-CR State v. Gabler

Chippewa County

2021AP880-CR State v. Ross

Columbia County

2021AP1114 Eisenga v. Hawthorne [Justice Rebecca Grassl
Bradley did not participate]

2022AP258 Alliant Credit Union v. City of Columbus [Justice
Rebecca Grassl Bradley dissents]

Dane County

2021AP163-CR State v. Lieske [Justice Jill J. Karofsky did not
participate]

2021AP1512 State v. Byrd

2022AP158

2022AP177 BJ & TT Goll Rev. Tr. v. Penkalski

2022AP330-CR State v. Lockhart [Justice Jill J. Karofsky did not
participate]

2022AP2111-W Gant v. Carr [Justice Jill J. Karofsky did not
participate]

2023AP524-W Balele v. Circuit Court for Dane County
[Supervisory Writ Petition]

2023AP765-W Balele v. Judge Ehlke [Supervisory Writ Petition]

2023AP895-W Cuesta v. Dane County DA [Writ of Habeas Corpus
Petition]

Dodge County

2021AP1256-CR

State v. Atwater

2022AP2048-W

Jacobs v. Circuit Court of Dodge County [Justice Ann Walsh Bradley did not participate]

Douglas County

2021AP1555-CR

State v. Austin

2021AP1556-CR

Eau Claire County

2021AP680-CR

State v. Schummer

Fond du Lac County

2022AP1261

State v. Earls

Forrest County

2022AP151-CR

State v. Green

2022XX991-CR

State v. Grisius

Juneau County

2021AP1416

State v. Coughlin

[Justice Rebecca Grassl Bradley dissents; Justice Jill J. Karofsky did not participate]

Kenosha County

2021AP1659-CR

State v. Aguirre

2021AP1720

Martinez v. Rullman

2022AP123

State v. Thayer

La Crosse County

2021AP646 EKO Bridgeview Plaza v. WI DOT [Justice Rebecca Grassl Bradley dissents]

2021AP2092-CR State v. Alexander

Marathon County

2023AP97-W Jacobs v. Judge Strasser [Justice Ann Walsh Bradley did not participate]

Marinette County

2022AP179-CR State v. Denny

2022AP180-CR

Milwaukee County

2020AP677 State v. Addison

2020AP678

2020AP679

2021AP424-CR State v. Hawkins [Justice Janet C. Protasiewicz did not participate]

2021AP458-CR State v. Jackson

2021AP576-CR State v. Young

2021AP944-CR State v. Herrera

2021AP1036-CR State v. Balderas

2021AP1307-CR State v. Burks

2021AP1308-CR

2021AP1309-CR

2021AP1310-CR

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| 2020AP1483-CR | <u>State v. Black</u> |
| 2021AP1497-CR | <u>State v. Triplett</u> |
| 2021AP1526-CR | <u>State v. Rasheem D. Davis</u> |
| 2021AP1527-CR | |
| 2021AP1528-CR | <u>State v. Barksdale</u> |
| 2021AP1598-CR | <u>State v. Smith</u> |
| 2021AP1709-CR | <u>State v. Pearson</u> |
| 2021AP2057-CR | <u>State v. Alvarado</u> |
| 2021AP2063-CR | <u>State v. Blunt</u> [Justice Janet C. Protasiewicz did not participate] |
| 2021AP2160-CR | <u>State v. Hendrix</u> |
| 2021AP2165-CR | <u>State v. Velez-Figueroa</u> |
| 2022AP277 | <u>Citibank, N.A. v. Riffard</u> [Chief Justice Annette Kingsland Ziegler did not participate] |
| 2022AP646-CR | <u>State v. Miller</u> |
| 2022AP755-CRNM | <u>State v. Wright</u> |
| 2022AP1043-CR | <u>State v. Michael G. Davis</u> |
| 2022AP1101-CR | <u>State v. Mays</u> |
| 2022AP1140 | <u>Vega v. LIRC</u> |
| 2023AP1030-LV | <u>State v. Berrada Properties Management</u> [(Bypass Petition)Justice Rebecca Grassl Bradley dissents] |
| 2023AP1030-LV | <u>State v. Berrada Properties Management</u> [Petition for Review] |
| 2023AP1031-LV | <u>State v. Berrada Properties Management</u> [(Bypass Petition) Justice Rebecca Grassl Bradley dissents] |
| 2023AP1031-LV | <u>State v. Berrada Properties Management</u> [Petition for Review] |
| 2023AP1076-W | <u>Berrada v. Circuit Court for Milwaukee County</u> [Supervisory Writ Petition (Justice Rebecca Grassl Bradley dissents)] |

Monroe County

2022AP1231-CR State v. Bell

Outagamie County

2021AP1248-CR State v. DeFilippo

Racine County

2020AP595-CRNM State v. Lee

2022AP1293 State v. Hagen

2023AP769-CR State v. Thornton

Rock County

2021AP693 McCray v. City of Beloit

2022AP1548-CR State v. Miller

Rusk County

2020AP897-CRNM State v. Nitek

Sheboygan County

2020AP1325-CRNM State v. Ball

2022AP270-CRNM State v. Boozer

Walworth County

2022AP289 Delevan Lake Sanitary Dist. V. Walworth Co. Bd. of Adjustment

2023AP951-W Gardipee v. Circuit Court for Walworth County
[Supervisory Writ Petition]

Washington County

2022AP828-CR State v. Naab [Chief Justice Annette Kingsland Ziegler did not participate]

Waukesha County

2021AP1745-CR

State v. Ferguson

2022AP960

State v. Lipscomb

2023AP1325-W

Lafaive v. Court of Appeals, Dist. II [Supervisory
Writ Petition]

Waupaca County

2022AP53-CR

State v. Hohn

Wood County

2022AP407

Heartland Timber Trails v. Borgen