



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts six new cases

Madison, Wisconsin (Nov. 30, 2022) – The Wisconsin Supreme Court recently voted to accept six new cases, 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](#).

2021AP1054 Fleming v. Amateur Athletic Union of the United States, Inc.

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Dane County, Rhonda L. Lanford, reversed and cause remand for further proceedings

Long caption: Femala Fleming, Plaintiff-Appellant, v. Amateur Athletic Union of the United States, Inc., Defendant-Respondent-Petitioner

Issues presented:

- (1) Do claims for negligent hiring and negligent supervision of the sexual abuser of a child constitute violations of Wis. Stat. § 948.02 or Wis. Stat. § 948.025 such that an injured party may file such claims against a non-abuser at any time before reaching the age of 35 years under Wis. Stat. § 893.587?
- (2) Are claims for negligent hiring and negligent supervision of a sexual abuser subject to the three-year limitations period in Wis. Stat. § 893.54?
- (3) If Wis. Stat. § 893.587 applies to Fleming’s claims against a non-abuser, does § 893.587 operate as a statute of repose to which no tolling provision applies, thus barring any claims brought after the injured party turns 35 years old, or as a statute of limitations, such that the tolling provisions in Wis. Stat. § 893.13 apply to extend the time within which Fleming may file her action under § 893.587?

2021AP809-CR

State v. Williams-Holmes

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Kenosha County, Judge Bruce E. Schroeder, affirmed

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Junior L. Williams-Holmes, Defendant-Appellant-Petitioner

Issue presented:

Can a circuit court use its statutory authority to modify conditions of probation and extended supervision to regulate the day-to-day affairs of individuals on supervision, contrary to statutes conferring on the Department of Corrections the exclusive authority to administer probation?

2021AP69-FT

Greenwald Family Ltd. Village Partnership v. Mukwonago

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Waukesha County, Judge Lloyd Carter, affirmed

Long caption: Greenwald Family Limited Partnership and Darwin Greenwald, Plaintiffs-Appellants-Petitioners, v. Village of Mukwonago, Defendant-Respondent

Issue presented:

Did the service of the Notice of Appeal required by Wis. Stats. § 66.0703(12) on the Attorney of record for the Village, who had previously admitted service of the underlying summons and complaint in the case, satisfy the requirement to serve written notice of appeal on the Village clerk?

2021AP635

Pepsi-Cola v. Employers Insurance

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Waukesha County, Judge Ralph M. Ramirez, reversed and cause remanded with directions

Long caption: Pepsi-Cola Metropolitan Bottling Company, Inc., Plaintiff-Appellant v. Employers Insurance Company of Wausau, Defendant-Respondent-Petitioner

Issues presented:

- (1) Whether the unambiguous consent-before-assignment provisions in the Wausau Policies should be applied as written to prevent assignment of policy rights after an occurrence but prior to any third-party claims being brought.
- (2) Even if the consent-before-assignment provisions are held unenforceable, whether Old Waukesha assigned its insurance rights under the Wausau Policies to New Waukesha as part of the 1968 Reorganization Agreement.

- (3) Even if the consent-before-assignment provisions are held unenforceable, whether Abex assigned New Waukesha's insurance rights under the Wausau Policies to PA Holdings as part of the 1990 Assignment and Assumption Agreement.
- (4) Assuming the consent-before-assignment provisions are unenforceable, and the Wausau Policies were properly assigned to Pneumo Abex, whether Wausau has a duty to defend the Huff Complaint.

(Chief Justice Annette Kingsland Ziegler did not participate)

2022AP1736-W

Kormanik v. Chief Judge William Brash

Supreme Court case type: Petition for Supervisory Writ

Court of Appeals: District II & District IV

Circuit Court: Waukesha County, Judge Brad Schimel

Long caption: State of Wisconsin ex rel. Nancy Kormanik, Petitioner, v. William Brash, in his official capacity as Chief Judge of the Court of Appeals, Respondent; Wisconsin Elections Commission, Democratic National Committee, and Rise, Inc., Interested Parties.

Issue presented:

Whether the Court of Appeals violated its plain duty by transferring the case to District IV after ruling that both [Wis. Stat. §] 801.50(3)(a) and its exception, (3)(b), apply.

2021AP1076

Waupaca County v. Golla

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Waupaca County, Judge Troy Nielsen, affirmed

Long caption: Waupaca County, Plaintiff-Respondent, v. DeAnn R. Golla and Dawn M. Zeinert, Defendants-Appellants-Petitioners

Issues presented:

- (1) Can a county adopt an ordinance regulating shoreland under its general zoning authority in Wis. Stat. § 59.69 that would otherwise be prohibited under Wis. Stat. § 59.692?
- (2) If the answer to the above question is yes, when does Wis. Stat. § 59.692 limit a county's general zoning authority to regulate shoreland?

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:

Brown County

2020AP837
2020AP838

State v. Hammersley

2020AP2079

Klika v. City of Green Bay
(Justice Rebecca Grassl Bradley dissents.
Chief Justice Annette Kingsland Ziegler did
not participate)

2022AP532

Brown County Dep't of Human Services v.
J.V.

Chippewa County

2021AP574-CR

State v. Treu
(Justice Rebecca Frank Dallet dissents)

Dane County

2021AP1206-CR
2021AP1207-CR

State v. Sellers

Dodge County

2020AP951-CR

State v. Cosby

2021AP176-CR

State v. Wouts

Grant County

2022AP427

Karl v. Access Title (Bypass)

Kenosha County

2020AP1667-CRNM

State v. Cursey

Marinette County

2020AP1593 Columb v. Cox

Milwaukee County

2019AP825-W Tucker v. Pollard

2020AP1153-CR State v. Baker
2020AP1154-CR

2020AP1504-CR State v. Evans

2020AP1731-CR State v. Singh

2021AP40-CR State v. Williams

2021AP500 Bierman v. Levenhagen

2021AP660-CR State v. Ashley

2021AP1100 State v. Rivera

2022AP293 State v. S.R.
2022AP294
2022AP295

2022AP463 State v. Lopez

2022AP679-W Reynosa v. Cromwell
(Justice Patience Drake Roggensack did not participate)

2022AP802 State v. J.D.R., Sr.
(Justice Patience Drake Roggensack did not participate)

2022AP909 State v. D.T.

2022AP1013 Destiny Motors v. DOA/DHA (Bypass)

2022AP1103-W Luckett v. Noble

2022AP1650-W Funches v. Division of Hearings and Appeals
(Petition for Supervisory Writ)

Racine County

2021AP4-CR State v. Denney

Sauk County

2021AP322 Sauk County v. W.B.

Sheboygan County

2019AP1942-CR State v. Mitchell

2020AP1981-CR State v. Ochoa

Washington County

2021AP839 Estate of Her v. West Bend
(Chief Justice Annette Kingsland Ziegler did
not participate)

Waukesha County

2021AP97-CR State v. Antross

2021AP547-CR State v. Harper

2021AP548-CR

2021AP1474-CR State v. Holling

2022AP1743-W Puchner v. Circuit Court of Waukesha County
(Petition for Supervisory Writ)

Winnebago County

2021AP404-CR State v. Brownell

2021AP1858-CR State v. Huss