WISCONSIN SUPREME COURT
CALENDAR AND CASE SYNOPSES
APRIL 2026

The cases listed below will be heard in the Supreme Court Hearing Room, 231 East, State Capitol. The cases listed below originated in the following counties:

Walworth
Winnebago

Tuesday April 21, 2026

9:45 a.m.	2023AP498	Charlie May Brekke v. Midwest Medical Ins. Co.
11:00 a.m.	2023AP36	Wisconsin Voter Alliance v. Kristina Secord

Note: The Supreme Court calendar may change between the time you receive it and when a case is heard. It is suggested that you confirm the time and date of any case you are interested in by calling the Clerk of the Supreme Court at (608) 266-1880. If your news organization is interested in providing any type of camera coverage of the Supreme Court oral argument, you must contact media coordinator Jason Cuevas at WISC-TV, (608) 277-5241. The synopses provided are not complete analyses of the issues presented.

WISCONSIN SUPREME COURT
April 21, 2026
9:45 a.m.

2023AP498 Charlie May Brekke v. Midwest Medical Ins. Co.

This is a review of a question certified by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), arising from an appeal from a summary judgment order entered in the Winnebago County Circuit Court, Judge Scott C. Woldt presiding. The certified question is whether an unborn child, directly before birth, or any minor child, is a patient under Wis. Stat. § 448.30 and entitled *to informed consent, with the independent right to pursue legal action against a physician who fails to comply with § 448.30's disclosure requirement.*

Charlie Brekke was born via vaginal birth to a surrogate mother in November 2015. She claims that complications arose during her delivery that resulted in permanent injury to her arm. Brekke filed a lawsuit against the physician who provided prenatal care to the surrogate mother and who delivered Charlie. Brekke brought a claim for negligence and for failure to obtain informed consent under WIS. STAT. § 448.30 and the common law. The doctor filed a motion for partial summary judgment as to the informed consent claim, arguing that Charlie Brekke has no claim because the physician was only required to obtain informed consent from his patient, the surrogate mother, and the surrogate mother did not bring a claim. Brekke argued in response that she was entitled to bring an informed consent claim on her own behalf, regardless of whether the surrogate mother brought such a claim. The circuit court granted partial summary judgment in favor of the doctor, reasoning that the surrogate mother was the only party that could bring a claim. The remaining negligence claims proceeded to a jury trial, at which the jury found that the doctor was not negligent and awarded Brekke $0 in damages.

The court of appeals concluded that a conflict exists between § 448.30 and the common law regarding whether Brekke has an independent informed consent claim. In particular, the court of appeals observed that § 448.30 suggests that even if Brekke is a "patient" for purposes of the statute, that one or more exceptions to the informed consent statute apply to remove any duty by a physician to obtain informed consent from a child who cannot understand and cannot consent to medical treatment. However, cases such as *Martin v. Richards*, 192 Wis. 2d 156, 531 N.W.2d 70 (1995) recognize a claim under § 448.30 for minor children.

Before the supreme court, Brekke argues that Wisconsin law recognizes that an unborn child is a patient and that a child has a right to recover for injuries suffered as a result of a physician's failure to obtain informed consent from the child's parent. Brekke maintains that once a duty to inform has been established, the question is whether a "reasonable baby" would have chosen a vaginal delivery or a cesarian section. Brekke further contends that preventing her from pursuing an informed consent claim because she was later adopted would violate the Wisconsin Constitution's right to a remedy provision. Midwest Medical Insurance Co. responds that § 448.30 does not create a cause of action for an unborn child, that Brekke forfeited any right to recovery with respect to a duty owed to the surrogate mother, and that Brekke's "reasonable baby" standard is incorrect and harmful. Midwest Medical Insurance Co. further contends that Brekke failed to submit evidence that the doctor violated a duty owed under § 448.30, and that Brekke failed to preserve any error with respect to the jury verdict and is precluded from re-litigating damages.

The Wisconsin Supreme Court granted certification on the following question:

1) Is an unborn child, directly before birth, or any minor child, a patient under Wis. Stat. § 448.30, and therefore entitled to informed consent, with the independent right to pursue legal action against a physician who fails to comply with § 448.30's disclosure requirement?

WISCONSIN SUPREME COURT
April 21, 2026
11:00 a.m.

2023AP36 Wisconsin Voter Alliance v. Kristina Secord

This is a review of a decision by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which affirmed a Walworth County Circuit Court order, Judge David W. Paulson presiding, that dismissed WVA's petition for a writ of mandamus.

Secord is the Register in Probate in Walworth County, who is responsible for maintaining the records of guardianship and related proceedings. On June 28, 2022, the Wisconsin Voter Alliance (WVA) requested public records from Walworth County, asking for identifying information of all people under guardianship in that county, in the form of completed GN-3180 forms from 2016 to the present. The GN-3180 forms are "Notices of Voting Eligibility," which indicate that a circuit court has found a person incompetent to exercise the right to vote or has restored a person's right to register or vote. The WVA filed a lawsuit against Secord the same day of that record, seeking an order compelling the county to provide those forms. The Walworth County Circuit Court granted Secord's motion to dismiss on December 21, 2022, ruling that WVA did not prove that the county was required to provide the requested records under the Public Records Law. The court ruled that WVA did not show a clear legal right to the information or a need for it.

The court of appeals initially reversed, concluding that when balancing privacy rights with the right to vote, the Notices of Voting Eligibility should be public. The court of appeals found that there was no exception to the Public Records Law, and also that WVA met all requirements for a writ of mandamus. The Wisconsin Supreme Court reversed and remanded the case back to the court of appeals, concluding that the court of appeals was bound to apply its own precedent established in *Wisconsin Voter alliance v. Reynolds*, 2023 WI App 66, 410 Wis. 2d 335, 1 N.W.3d 748. In *Reynolds* the court of appeals concluded that a statutory exception prevented public disclosure of the Notice of Voter Eligibility forms. On remand, the court of appeals affirmed the circuit court, concluding that it was bound by the decision in *Reynolds*. In a concurring opinion, Judge Maria Lazar expressed disagreement with the *Reynolds* decision.

Before the Supreme Court, WVA contends that the *Reynolds* decision was incorrect because there is no statutory exception to disclosure of the Notice of Voting Eligibility forms under the Wisconsin Public Records Act, and that the there is no public policy favoring non-disclosure. WVA further contends that because the Notice of Voting Eligibility forms are subject to public disclosure, the circuit court should have granted WVA's petition for a writ of mandamus.

The Wisconsin Supreme Court granted review to address the following issues:

1) Whether the Notice of Voting Eligibility forms (GN-3180) are subject to public disclosure?

2) Whether WVA's petition for a writ of mandamus filed in Walworth County Circuit Court should have been granted?