

WISCONSIN SUPREME COURT CALENDAR AND CASE SYNOPSES SEPTEMBER 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:

Dane County
Eau Claire County
Kenosha County
Milwaukee County
Sheboygan County
Waupaca County

TUESDAY, September 8, 2026

9:00 a.m.	2023AP2428	Buddy's Plant Plus Corporation v. Viking Masek Global Packaging Technologies, LLC
10:30 a.m.	2024AP2585-CR	State v. Noah Q. Mann-Tate
1:30 p.m.	2024AP1943-D	Office of Lawyer Regulation v. Warren Lee Brandt

TUESDAY, September 15, 2026

9:00 a.m.	2024AP673	Sierra Club v. Wisconsin Department of Natural Resources
10:30 a.m.	2024AP472	S. G. v. Wisconsin Department of Children and Families

WEDNESDAY, September 16, 2026

9:00 a.m.	2026AP1168	Elizabeth Bothfeld v. Wisconsin Elections Commission
10:30 a.m.	2026AP1008	Wisconsin Business Leaders for Democracy v. Wisconsin Elections Commission

WEDNESDAY, September 23, 2026

9:00 a.m.	2024AP581-CR	State v. Jonathan James Petersen
10:30 a.m.	2023AP1717	Distinguished Multiplying Buildings (D.M.B.), LLC v. Germantown Mutual Insurance Company

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

September 8, 2026

9:00 a.m.

2023AP2428

Buddy's Plant Plus Corporation v. Viking Masek Global Packaging Technologies, LLC

This is a review of a decision of the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which affirmed a Sheboygan County Circuit Court order, Judge George A. Limbeck presiding, that awarded Buddy's Plant Plus Corporation \$256,201.11 plus interest for Viking Masek Global Packaging Technologies, LLC's breach of contract.

In June of 2017, Buddy's Plant Plus Corp. contracted with Viking Masek Global Packaging Technologies, LLC to manufacture a stick packing machine for bed bug lures. The machine proved troublesome to make due to the nature of the lures. In April of 2020, still without a working machine, Buddy's filed suit claiming breach of contract, unjust enrichment, and misrepresentation. The circuit court determined that Viking breached its contract by failing to produce a working machine within a reasonable amount of time. The circuit court also determined that the contract prohibited Buddy's from receiving consequential damages for the breach, limiting Buddy's to receiving the amount Buddy's paid to Viking under the contract. The circuit court relied on the following language under a section of the contract entitled "Warranty" to make its determination:

Seller is not liable for indirect, special, incidental or consequential damages, or loss of profits of any sort, whether based in contract or tort, resulting from the supply, failure to supply, or failure or malfunction of the Equipment. Seller's maximum liability hereunder is limited to the amount paid to Seller hereunder. Buyer's sole remedy against Seller for the Contract and any damages arising out of it will be limited to the warranty set forth above.

Buddy's appealed the circuit court's determination that it was not entitled to consequential damages. Viking did not appeal the determination that it had breached the contract. The court of appeals affirmed the circuit court's damages determination. The court of appeals said that (1) the plain language of the contract broadly applied to limit Buddy's damages in this circumstance, (2) the remedy did not "fail of its essential purpose" under WIS. STAT. § 402.719(2), and (3) the Warranty provision was not unconscionable.

Before the Wisconsin Supreme Court, Buddy's argues that the provisions of the Warranty section of the contract do not apply because warranties concern the delivery of substandard or defective goods, while here no machine was ever delivered. Furthermore, Buddy's argues that even if the damages limitations were applicable, the remedy "failed of its essential purpose" under WIS. STAT. § 402.719(2) and was not conspicuous as required by WIS. STAT. § 402.316(2) and *Phillips Petroleum Co. v. Bucyrus-Erie Co.*, 131 Wis. 2d 21 (1986). Finally, Buddy's argues that the circuit court erred in finding that Buddy's failed to prove its consequential damages to a reasonable degree of certainty. Viking responds that the damages limitations in the Warranty section are clear by their plain language and apply to the current situation. Viking also argues the remedy provided under the contract does not "fail of its essential purpose," and that the limitation of damages provision was not hidden or inconspicuous. Finally, Viking argues that the trial court was correct in finding that Buddy's failed to prove its consequential damages to a reasonable degree of certainty.

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

- 1) Was the limitation of liabilities provision masked within the warranty clause in the contract between Buddy's and Viking unconscionable and did it fail its essential purpose, entitling Buddy's to damages under the UCC?
- 2) Did Buddy's prove its consequential damages to a reasonable degree of certainty?

WISCONSIN SUPREME COURT

September 8, 2026

10:30 a.m.

2024AP2585-CR

State v. Noah Q. Mann-Tate

This is a review of a decision by the Wisconsin Court of Appeals, District I (headquartered in Milwaukee), which reversed a Milwaukee County Circuit Court order, Judge Jane Carroll presiding, that denied defendant Noah Q. Mann-Tate's motion for reverse waiver under WIS. STAT. § 970.032(2).

The State charged Noah Q. Mann-Tate with one count of first-degree intentional homicide for the premeditated murder of his mother. In the criminal complaint, the State alleged that Mann-Tate planned to kill his mother, and then did so by shooting her. Mann-Tate was ten years old at the time he allegedly committed the offense, but because the offense charged was intentional homicide, the State filed the charges in criminal court under WIS. STAT. § 938.183(12)(am). Mann-Tate filed a motion for reverse waiver under WIS. STAT. § 970.032(2), which confers circuit courts with discretion to transfer jurisdiction of a criminal matter to juvenile court if the juvenile proves by a preponderance of the evidence that: (a) if convicted, the juvenile would not receive adequate treatment in the criminal justice system; (b) transferring jurisdiction to the court assigned to exercise jurisdiction would not depreciate the seriousness of the offense; and (c) retaining jurisdiction is not necessary to deter the juvenile or other juveniles from committing the violation of which the juvenile is accused. After a seven-day hearing, the circuit court denied Mann-Tate's motion for reverse waiver. The circuit court also rejected Mann-Tate's constitutional challenges to § 970.032(2).

Mann-Tate appealed. The Court of Appeals reversed. The Court of Appeals concluded that § 970.032(2) violates the requirements of procedural due process under the Due Process Clause of the Fourteenth Amendment of the United States Constitution, to the extent that it does not require circuit courts to consider the unique attributes of youth identified by the United States Supreme Court.

On appeal to the Wisconsin Supreme Court, the State contends that the Court of Appeals erred because procedural due process requires only notice, a hearing, and an opportunity to defend; it does not require circuit courts considering a motion for reverse waiver to expressly factor in the attributes of youth described by the Supreme Court. In the alternative, the State contends that Mann-Tate's facial challenge to § 970.032(2) fails because Wisconsin Supreme Court precedent permits circuit courts to consider the attributes of youth. Finally, the State contends that the circuit court properly exercised its discretion in denying Mann-Tate's motion for reverse waiver. Mann-Tate contends that the Court of Appeals correctly resolved the procedural due process question, and that the circuit court erroneously exercised its discretion in denying Mann-Tate's reverse waiver motion.

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

- 1) Is WIS. STAT. § 970.032(2) facially unconstitutional under the Procedural Due Process Clause of the Fourteenth Amendment to the United States Constitution because it does not also mandate that the circuit court consider and discuss the "attributes of youth" discussed in dicta in United States Supreme Court decisions about what punishments are categorically barred for juveniles by the Eighth Amendment and whether they are in

custody for purposes of *Miranda*?

- 2) Whether, under *State v. Kleser*, 2010 WI 88, ¶8, 328 Wis. 2d 42, 786 N.W.2d 144, the reverse waiver statute, while not expressly providing for consideration of the unique characteristics of youth outlined in the Court of Appeals' opinion and the constitutional case law, is nevertheless broad enough to encompass those factors as part of the juvenile's "reasonable latitude to offer admissible evidence for the purpose of meeting his burden to prove the three elements for reverse waiver"?
- 3) Whether the trial court erroneously exercised its discretion in denying the requested reverse waiver based on the record before it?

WISCONSIN SUPREME COURT

September 8, 2026

1:30 p.m.

2024AP1943-D

Office of Lawyer Regulation v. Warren Lee Brandt

This is an attorney disciplinary proceeding before the Wisconsin Supreme Court on appeal from a referee's report. The case examines whether Attorney Warren Lee Brandt violated SCR 40.15 during and after a hearing in Polk County Circuit Court by engaging in offensive personality and disrespect.

The Office of Lawyer Regulation commenced this matter by disciplinary complaint. A referee was appointed, an evidentiary hearing was held, and the referee issued written findings of fact, conclusions of law, and a recommendation regarding discipline and costs. The appeal now before the Supreme Court challenges the referee's legal conclusions and recommended sanction under Supreme Court Rule.

According to the referee's findings, Brandt represented adult clients in a juvenile court hearing, and prior to a hearing on February 15, 2024, Brandt drank three alcoholic beverages. The referee found that during the hearing Brandt was disruptive, and that he interrupted opposing counsel, cursed at opposing counsel, and knocked papers to the floor. The referee further found that, in the courtroom hallway following the hearing, Brandt shouted obscenities about the agencies involved in the proceedings. Law enforcement was called, and Brandt was arrested based on the reports about the yelling and disturbance. The referee concluded that this conduct violated SCR 40.15 and recommended a four-month suspension.

Brandt challenges the referee's findings and recommendation as unsupported by evidence in the record and that SCR 40.15 is unconstitutional and should not apply to him because opposing counsel provoked his offensive behavior. The Office of Lawyer Regulation responds that the factual record supports the referee's finding, and, even if provocation were a defense, the referee found no facts to suggest that Brandt was provoked.

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

- 1) Did Brandt's behavior during and after a February 15, 2024, hearing in Polk County Circuit Court constitute offensive personality and disrespect for the courts and judicial process contrary to SCR 40.15, enforceable by SCR 20:8.4(g)?
- 2) What sanction should the Court impose to address Brandt's offensive personality and disrespect for the courts and judicial process?

WISCONSIN SUPREME COURT

September 15, 2026

9:00 a.m.

2024AP673

Sierra Club v. Wisconsin Department of Natural Resources

This is a review of a decision by the Wisconsin Court of Appeals, District IV (headquartered in Madison), which reversed a Dane County Circuit Court order, Judge Frank D. Remington presiding, that denied petitioner-appellant Sierra Club's motion for summary judgment.

The Wisconsin Department of Natural Resources (DNR) issued the Wisconsin Public Service Corporation and Wisconsin Electric Power Company an air permit that allows those entities to build and operate a natural gas-fired electric generation plant at an existing generating station in Marathon County. Sierra Club challenged the issuance of that permit on a number of grounds, one of which is before the Wisconsin Supreme Court. In particular, Sierra Club contended that a memorandum setting forth the procedure that the DNR established for determining background pollutant concentrations for the air permit is an invalid unpromulgated rule. More specifically, because an administrative agency must undertake formal statutory procedures when it seeks to adopt a rule, and the DNR adopted the memo without following those procedures, the memo was an invalid unpromulgated rule. Sierra Club sought and was granted a contested case hearing, and Sierra Club filed a motion for summary judgment. The Administrative Law Judge (ALJ) denied Sierra Club's motion, and Sierra Club petitioned Dane County Circuit Court for judicial review. The circuit court affirmed the ALJ's decision, concluding that the memo is not an invalid unpromulgated rule because it did not meet the requirement that a rule has the force of law. The circuit court reasoned that the memo is an internal guidance document directed to DNR staff that explains how the DNR would implement binding laws.

Sierra Club appealed, contending that the memo was an invalid unpromulgated rule and also that WIS. STAT. § 227.10(1) required rulemaking with respect to the memo because the memo established a statement of general policy. The Court of Appeals reversed. The Court of Appeals concluded that the memo is an invalid unpromulgated rule because it uses mandatory language, is more than informational, and could affect one's legal interests because the background concentration calculation could impact whether a permit is issued. The court of appeals did not address Sierra Club's argument under § 227.10(1).

On appeal to the Wisconsin Supreme Court, the DNR contends that the Court of Appeals erred because the memo is a guidance document that lacks force of law. In support, the DNR elaborates that the memo merely describes how the DNR makes the factual determination of the background concentration and thus does not establish an enforceable legal standard. The DNR contends that the Court of Appeals incorrectly concluded that force of law is determined by whether express mandatory language is used or whether an agency document could affect legal rights. Finally, the DNR argues that WIS. STAT. § 227.10(1) did not require rulemaking because that statute only requires rulemaking for agency documents or actions that have the force of law. Sierra Club responds that the Court of Appeals correctly determined that the background protocol memo was an unpromulgated rule because the memo contains legal determinations that the DNR has treated as binding. Sierra Club further contends that rulemaking is required under § 227.10(1) because the memo is a statement of general policy.

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

- As part of its role in issuing air-pollution control permits, the DNR has developed an internal guidance memorandum about how best to determine the impact that a proposed facility's emissions will have on air quality. Does this memo have the "force of law" such that it needed to undergo formal, notice-and-comment rulemaking?

WISCONSIN SUPREME COURT

September 15, 2026

10:30 a.m.

2024AP472

S.G. v. Wisconsin Department of Children and Families

This is a review of a decision of the Wisconsin Court of Appeals, District IV (headquartered in Madison), which reversed a Waupaca County Circuit Court order, Judge Troy L. Nielsen presiding, dismissing S.G.'s self-filed petition pursuant to WIS. STAT. § 48.13(9) (known as a CHIPS petition, which stands for Child in Need of Protection and/or Services).

S.G. spent most of her childhood placed in various family and foster homes. She was adopted by a family in 2012, but that family's parental rights were terminated in 2021 after S.G. suffered abuse and neglect at their hands. At that point, the Wisconsin Department of Children and Families (DCF) became S.G.'s legal guardian, and S.G. again moved between various group and foster homes. In 2023, two weeks before S.G.'s 18th birthday, she was newly placed in a foster home in Waupaca County. Once there, she signed and filed a CHIPS petition for continued access to public services and benefits for up to one year after her 18th birthday (or at least until she graduated from high school). She also requested an expedited hearing schedule due to the fact that the court would lose competency to act on the request once S.G. reached 18 years old. Waupaca County Circuit Court scheduled a hearing for April 19, 2023, two days before S.G.'s 18th birthday. DCF, as the respondent in the action, did not object to S.G.'s petition or her request for an expedited schedule. However, Waupaca County Corporation Counsel filed a motion requesting to be added as an interested party to the action, seeking dismissal of the action, and objecting to both the petition and the request for an expedited hearing schedule. The circuit court heard arguments as to whether Corporation Counsel is conferred party status when Corporation Counsel is not the petitioner in a CHIPS action. The circuit court determined Corporation Counsel was a party. Because there was not sufficient time for the court to hold a fact-finding hearing on the contested petition before S.G. turned 18, the circuit court dismissed S.G.'s petition.

S.G. appealed, and the Court of Appeals determined that Corporation Counsel is not an automatic party in a CHIPS petition when Corporation Counsel is not the petitioner. The court noted that the statutes did not require that Corporation Counsel be given either (1) a copy of a privately-filed CHIPS petition or (2) notice of hearings on the petition. The Court of Appeals reasoned that if the legislature intended to make Corporation Counsel a party, it would have required such notice. The court also noted that the statute should be construed liberally to effectuate the statute's express purpose, which is to help and protect children.

On appeal to the Wisconsin Supreme Court, Corporation Counsel argues that WIS. STAT. § 48.09(5), which says that "[t]he interests of the public shall be represented . . . by the corporation counsel, in any matter arising under s. 48.13 . . ." makes Corporation Counsel a party in all CHIPS actions. Corporation Counsel also argues it represents the interest of the public by opposing privately-filed petitions because the public is being asked to provide or fund the requested services. In response, S.G. argues that Corporation Counsel has no role in a CHIPS petition filed privately by a child, parent, or guardian, and the legislature did not confer party status on Corporation Counsel in this circumstance. S.G. also argues that the public interest in CHIPS proceedings is in helping and protecting children, and that WIS. STAT. ch. 48 balances the competing needs of the child and the county without Corporation Counsel being a party.

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

- 1) Is Corporation Counsel a party as a statutory right pursuant to WIS. STAT. § 48.09(5) in actions arising under § 48.13 when Corporation Counsel is not the petitioner?
- 2) Is Corporation Counsel a party representing the interest of the public pursuant to WIS. STAT. § 48.09(5) when the County Department of Human Services is court ordered to provide services and funding in privately-filed petitions under § 48.13?

WISCONSIN SUPREME COURT

September 16, 2026

9:00 a.m.

2026AP1168

Elizabeth Bothfeld v. Wisconsin Elections Commission

This is a review of a decision by a three-judge panel, appointed by the Wisconsin Supreme Court pursuant to WIS. STAT. § 751.035, which dismissed plaintiffs’ action seeking to declare the congressional map adopted by the Wisconsin Supreme Court in 2022 unconstitutional on the grounds that it violated the separation of powers doctrine and sections 1, 3, 4, and 22 of Article I of the Wisconsin Constitution.

In 2022, after the legislature and the governor could not agree to redistricting maps after the decennial census, the Wisconsin Supreme Court set out to select remedial maps. The Court determined in a case called *Johnson I* that in selecting new maps it would prioritize maps that made the “least change” from the maps enacted by the legislature in 2011 and otherwise comport with state and federal law. The Court in *Johnson I* also determined that it would not consider partisan fairness when selecting new maps because partisan fairness presented a non-justiciable political question. As such, in *Johnson II*, the Court selected the current congressional districting map according to the “least change” criteria. Similarly, in *Johnson III*, the Court selected state legislative maps according to the “least change” criteria. Then, in 2023, in *Clarke v. Wisconsin Election Comm’n*, the Wisconsin Supreme Court struck down the state legislative maps adopted in *Johnson III* because they were not contiguous as required by the Wisconsin Constitution. The Court in *Clarke* also determined that it would not use “least change” criteria in selecting new maps.

In the present action, the circuit court panel determined that only the Wisconsin Supreme Court could review its own adopted map or overturn its statement in *Johnson I*. It therefore dismissed the action.

To the Wisconsin Supreme Court, appellant Bothfeld argues that under *Clarke*, the congressional maps are unconstitutional because the Court’s use of “least change” violated the separation of powers doctrine. Bothfeld argues that in fashioning a remedial map, the Court abdicated its core judicial power to the 2011 legislature. Bothfeld also argues that the congressional maps are an unconstitutional partisan gerrymander under sections 1, 3, 4, and 22 of Article I of the Wisconsin Constitution.

Various respondents first argue that the circuit court panel was correct in determining it had no power to overturn a map that the Wisconsin Supreme Court put in place. Second, they argue that *Clarke* does not support that any map adopted under “least change” violates the separation of powers doctrine. Third, they argue that *Johnson I* established that a partisan gerrymandering claim is non-justiciable. Fourth, they argue that any action by this Court on either of appellant’s theories would violate the U.S. Constitution’s Election Clause. Finally, they argue that Bothfeld’s arguments are barred by laches.

WISCONSIN SUPREME COURT

September 16, 2026

10:30 a.m.

2026AP1008

Wisconsin Business Leaders for Democracy v. Wisconsin Elections Commission

This is a review of a decision by a three-judge panel, appointed by the Wisconsin Supreme Court pursuant to WIS. STAT. § 751.035, which dismissed plaintiffs’ action seeking to declare the congressional map adopted by the Wisconsin Supreme Court in 2022 unconstitutional on the grounds that it is an anticompetitive gerrymander.

In 2022, after the legislature and the governor could not agree to redistricting maps after the decennial census, the Wisconsin Supreme Court set out to select remedial maps. The Court determined in a case called *Johnson I* that in selecting new maps it would prioritize maps that made the “least change” from the maps enacted by the legislature in 2011 and otherwise comport with state and federal law. The Court in *Johnson I* also determined that it would not consider partisan fairness when selecting new maps because partisan fairness presented a non-justiciable political question. As such, in *Johnson II* the Court selected the current congressional districting map according to the “least change” criteria.

In this case, the circuit court panel determined that in *Johnson I*, the Wisconsin Supreme Court considered the implication of partisanship in redistricting and found it to be a non-justiciable political question. As such, only the Wisconsin Supreme Court could overturn its statements in *Johnson* to allow the court to consider the related claim of anticompetitive gerrymandering. It therefore dismissed the action.

To the Wisconsin Supreme Court, appellant Wisconsin Business Leaders for Democracy (WBLD) argues that a claim of anticompetitive gerrymandering is a claim of first impression and is distinguishable from a claim of partisan gerrymandering. WBLD argues that the text and history surrounding the Wisconsin Constitution support a justiciable claim for anticompetitive gerrymandering. It argues that because the 2011 maps were an anticompetitive gerrymander, the 2022 maps adopted under a “least change” approach are also an anticompetitive gerrymander. They also argue that statements in *Johnson I* regarding the limits of constitutional challenges to district maps should be overturned.

Various respondents first argue that the circuit court panel was correct in determining it had no power to overturn a map that the Wisconsin Supreme Court put in place. Second, they argue that *Johnson I* established that a partisan gerrymandering claim is non-justiciable and a claim for anticompetitive gerrymandering is functionally the same. Third, they argue that there is no support for a claim of anticompetitive gerrymandering in the Constitution and any finding otherwise would violate the U.S. Constitution’s Election Clause. Finally, they argue that WBLD’s arguments are barred by laches.

WISCONSIN SUPREME COURT

September 23, 2026

9:00 a.m.

2024AP581-CR

State v. Jonathan James Petersen

This is a review of a decision by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which affirmed a Kenosha County Circuit Court order, Judge Anthony G. Milisauskas presiding, that denied defendant Jonathan James Petersen's postconviction motion seeking to modify the "no social media" condition of his extended supervision "to allow social media with agent approval."

In June of 2022, defendant Petersen entered a gas station where a female victim who had refused his romantic advances worked. Petersen had a knife and a fake gun and threatened to kill the woman, others, and himself. Defendant Petersen subsequently pleaded guilty to felony charges of stalking, false imprisonment, and two counts of making terrorist threats, all while using a dangerous weapon. There was also a read-in charge of violating a harassment restraining order while using a dangerous weapon. The circuit court sentenced Petersen to five and one-half years of initial confinement and six years of extended supervision. With respect to the terms of extended supervision, the circuit court noted in particular that, in regards to the victim, prior to the gas station incident, Petersen had found her social media accounts and said harmful things about her, and that when she blocked his account, he would make new accounts and say harmful things again, which eventually caused her to delete her social media accounts. As a result, the circuit court ordered "no social media" as a condition of Petersen's extended supervision. Petersen filed a postconviction motion contending that the condition violated his First Amendment rights. The circuit court denied Petersen's motion, explaining that it would reconsider the motion after learning how Petersen behaved while in prison.

Petersen appealed. The Court of Appeals affirmed. The Court of Appeals reasoned that the circuit court appropriately concluded that the State's interest in the condition was justified, that the condition was not overly broad, and that the condition would aid Petersen with his rehabilitation.

On appeal to the Wisconsin Supreme Court, Petersen contends that the "no social media" condition violates his First Amendment rights by completely preventing him from accessing constitutionally protected spaces when there are other less restrictive supervised release conditions available. The State contends in response that Petersen waived any challenge to the condition at sentencing when he agreed that the condition was appropriate, that Petersen's challenge is not yet ripe because it depends on future events, and that in any event the condition was reasonable, appropriate, and did not violate the First Amendment.

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

- Whether – and to what extent – a circuit court at sentencing can regulate a defendant's First Amendment activity as a condition of extended supervision.

WISCONSIN SUPREME COURT

September 23, 2026

10:30 a.m.

2023AP1717

Distinguished Multiplying Buildings (D.M.B.) v. Germantown Mutual Insurance Company

This is a review of a decision by the Wisconsin Court of Appeals, District III (headquartered in Wausau), which affirmed an Eau Claire County Circuit Court order, Judge Emily M. Long presiding, that denied plaintiff Distinguished Multiplying Buildings (D.M.B.), LLC's motion for declaratory and summary judgment.

D.M.B. owns an apartment building and is insured under a business owners policy issued through defendant Germantown Mutual Insurance Company (Germantown). The building was damaged by a fire, and thereafter the City of Eau Claire ordered that the building be razed under WIS. STAT. § 66.0413(1)(c). Germantown provided coverage for the portions of the building and personal property that had been damaged by the fire, but Germantown did not provide coverage for the losses associated with the raze order, citing the insurance policy's Ordinance or Law Exclusion. D.M.B. disagreed, contending that the Ordinance or Law Exclusion did not bar coverage for the costs associated with the raze order. D.M.B. filed this lawsuit, as well as a motion for declaratory and summary judgment, seeking a declaration that the building was a constructive total loss and that the Ordinance or Law Exclusion did not apply to its claim for coverage. The circuit court denied D.M.B.'s motion, concluding that Germantown's Ordinance or Law Exclusion barred coverage for the costs associated with the raze order.

D.M.B. appealed, contending that the raze order was not a separate loss from the loss associated with the fire, meaning that the building is a total loss and Germantown must pay the face value of its policy. The Court of Appeals rejected D.M.B.'s arguments and affirmed. The Court of Appeals in particular rejected D.M.B.'s arguments that Wisconsin's raze statute negated the applicability of the Ordinance or Law Exclusion, that Wisconsin's valued policy law applied to require Germantown to pay the policy limit, that a reasonable insured would not understand the Ordinance or Law Exclusion to apply to damages sustained from a raze order, and that the court should apply the reasoning from an out-of-state case.

On appeal to the Wisconsin Supreme Court, D.M.B. challenges the Court of Appeals' reasoning. Germantown responds that the Court of Appeals was correct in every respect and further maintains that D.M.B.'s arguments fail to account for the anti-concurrent cause provision in the Ordinance or Law Exclusion, which unambiguously excludes coverage for any loss caused by the raze order, even if the fire was a proximate cause of the raze order.

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

- Whether the ordinance or law exclusion in Germantown Mutual Insurance Company's policy of insurance issued to Distinguished Multiplying Buildings (D.M.B.), LLC's excludes coverage for D.M.B.'s constructive total loss of its building when the municipality ordered the building razed following a significant fire?