

FILED**JUN 04 2020**

Case No. 2018-AP-1239

CLERK OF SUPREME COURT
OF WISCONSIN

IN THE
SUPREME COURT
STATE OF WISCONSIN

APPLEGATE-BADER FARM, LLC,
Plaintiff-Appellant-Petitioner,

v.

WISCONSIN DEPARTMENT OF
REVENUE and RICHARD
CHANDLER,

Defendants-Respondents.

On Appeal from the Circuit Court for Green County,
Case No. 2016-CV-000048.
The Honorable **Thomas J. Vale**, Presiding Judge.

**JOINT MOTION
TO ENLARGE TIME TO FILE INITIAL AND RESPONSE BRIEFS**

The parties, APPLEGATE-BADER FARM, LLC, *Plaintiff-Appellant-Petitioner*, and Defendants-Respondents, WISCONSIN DEPARTMENT OF REVENUE and RICHARD CHANDLER, hereby move the Court, pursuant to Wis. Stat. Secs. 809.14, and 809.82(2)(a), for an Order enlarging the time of the current briefing schedule.

The current deadline for Petitioner to file its initial brief is June 18, 2020, as ordered on May 19, 2020 by the Court. (Doc. 146). The Petitioner seeks an extension to file its initial brief of twenty-two (22) days, to July 9, 2020. In turn, the Respondents request that the time to file their response brief be extended to August 10, 2020.

Wis. Stat. Sec. 809.82(2)(a) provides in pertinent part, that “. . . the court upon its own motion or upon good cause shown by motion, may enlarge . . . the time prescribed by these rules or court order for doing any act”

The grounds for this motion are that Petitioner’s counsel’s current case load and current scheduled work commitments prevent him from completing the initial brief within the current deadline of June 18, 2020. The deadline for filing the initial brief has not passed, the request for the extension is not attributable to APPLGATE-BADER FARM, LLC, and the proposed extension of twenty-two (22) days is reasonable and will not prejudice any party. (*Id.*) See *State v. Quackenbush*, 2005 WI App 2, ¶ 24, 278 Wis. 2d 611, 628, 692 N.W.2d 340.

To accommodate anticipated time away from work mid-July, and in light of other July and early August deadlines in the 7th Circuit and in circuit court summary judgment proceedings, counsel for Respondents requests that the deadline for a responsive brief be reset to Monday, August 10, 2020, which would be 32 days after the Petitioner’s new deadline.

For all of these reasons, upon good cause shown, the parties respectfully request that the Court grant their joint motion to enlarge time.

Dated: June 3, 2020.

Respectfully Submitted,

s/ Ryan L. Woody – electronically signed
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*Attorney for Plaintiff-Appellant-Petitioner
Applegate-Bader Farm, LLC*

s/ Anthony Russomanno (w/permission)
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*Attorney for Defendants-Appellants-Cross-
Appellants, Wisconsin Department of Revenue
and Richard Chandler*

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CERTIFICATE OF SERVICE BY OVERNIGHT COURIER

The undersigned, being first duly sworn, deposes and states that he filed with the Supreme Court of the State of Wisconsin, 110 East Main Street, Suite 215, Madison, Wisconsin 53703, one (1) copy of the Joint Motion to Enlarge Time to File initial and Response Briefs, via overnight delivery, on June 3, 2020. One (1) copy of the foregoing document was served upon the below-listed counsel of record via prepaid Federal Express, overnight delivery, on June 3, 2020:

Anthony Russomanno
Wisconsin Department of Justice
17 W Main Street,
P.O. Box 7857
Madison, WI 53707-7857

Subscribed and sworn to before me this
3rd day of June, 2020.

Cindy Stys

Notary Public, State of Wisconsin
My Commission Expires

6-21-2022

Shawn Venting

