FILED
09-10-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin

NO. 2023AP1478 **MIDWEST ENVIRONMENTAL ADVOCATES V. PREHN** **L.C. #2021CV2526**

September 10, 2026

The Court has entered the following order:

A petition for review pursuant to WIS. STAT. § 808.10 having been filed on behalf of respondent-respondent-cross-appellant-petitioner, Frederick Prehn, and considered by this court;

IT IS ORDERED that the petition for review is granted, but only as to the first issue raised in the petition, as follows:

1. What constitutes "prevailing in whole or in substantial part" under Wis. Stat. § 19.37(2)(a) when an authority produces records after litigation commences but before final judgment?

IT IS FURTHER ORDERED that pursuant to WIS. STAT. § (Rule) 809.62(6), the respondent-respondent-cross-appellant-petitioner may not raise or argue issues not set forth above unless otherwise ordered by the court; and

IT IS FURTHER ORDERED that pursuant to WIS. STAT. §§ (Rules) 809.62(6) and 809.63, within 30 days after the date of this order the respondent-respondent-cross-appellant-petitioner must file a brief in this court; that within 20 days of filing the petitioner-appellant-cross-respondent, Midwest Environmental Advocates, Inc., must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the petitioner-appellant-cross-respondent, within 10 days of filing the respondent-respondent-cross-appellant-petitioner must file either a reply brief or a statement that no reply brief will be filed; and

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IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.

Samuel A. Christensen
Clerk of Supreme Court

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