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Supreme Court of Wisconsin

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July 24, 2020

To:

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You are hereby notified that the Court has entered the following order:

No: 2018AP1887

Waupaca County v. K.E.K. L.C.#2017ME44

Pending before the court is a petition for review pursuant to Wis. Stat. § 808.10 filed on behalf of respondent-appellant-petitioner, K.E.K. By order dated December 12, 2019, the petition was held in abeyance pending this court's decision in Winnebago County v. C.S., case no. 2016AP1982. The decision in C.S. was issued on March 10, 2020, and by order dated April 24, 2020, the parties were directed to file simultaneous letters/briefs by May 15, 2020, discussing the impact of the C.S. case, if any, on the issues raised in the petition for review. Both parties and the State filed responses. Meanwhile, K.E.K. moved the court for leave to amend the petition for review to include arguments pertaining to the privileges or immunities clause. Waupaca County opposed that motion expressing concern about additional delay and K.E.K. replied, clarifying that the motion did not seek to amend the petition for review, but rather to preserve arguments for briefing if the petition for review is granted.

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IT IS ORDERED that respondent-appellant-petitioner's motion to amend the petition for review to permit briefing to include arguments pertaining to the privileges or immunities clause is granted;

IT IS FURTHER ORDERED that the petition for review is granted and that pursuant to Wis. Stat. § (Rule) 809.62(6), the respondent-appellant-petitioner may not raise or argue issues not set forth in the petition for review 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-appellant-petitioner must file a brief in this court; that within 20 days of filing the petitioner-respondent, State of Wisconsin, must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the petitioner-respondent, within 10 days of filing the respondent-appellant-petitioner must file either a reply brief or a statement that no reply brief will be filed; and

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, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the date of this order, must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; 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.

DANIEL KELLY, J., did not participate.

Sheila T. Reiff
Clerk of Supreme Court