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Supreme Court of Wisconsin

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January 25, 2021

To:

Hon. Stephen E. Ehlke
Circuit Court Judge
Branch 15
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Madison, WI 53703

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

No. 2019AP1365

Duncan v. Asset Recovery Specialists, Inc. L.C. #2017CV1704

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of defendants-respondents-petitioners, Asset Recovery Specialists, Inc., Wells Fargo Bank, N.A, and Greg Strandlie, and considered by this court;

IT IS ORDERED that the petition for review is granted and that **except as otherwise ordered by the court herein**, pursuant to Wis. Stat. § (Rule) 809.62(6), the defendants-respondents-petitioners 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 defendants-respondents-petitioners must file a brief in this court; that within 20 days of filing the plaintiff-appellant, Danelle Duncan, must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the plaintiff-appellant,

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within 10 days of filing the defendants-respondents-petitioners must file either a reply brief or a statement that no reply brief will be filed; and

IT IS FURTHER ORDERED that the parties' briefs shall address the following additional issue:

Whether a plaintiff may bring an affirmative claim under Wis. Stat. § 425.107, or whether that section is limited to being raised only defensively in response to a suit by a merchant or creditor; 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.

Sheila T. Reiff
Clerk of Supreme Court