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Supreme Court of Wisconsin

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December 6, 2021

To:

Hon. Michael O. Bohren
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

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Court of Appeals – District II
2727 N. Grandview Blvd., Ste. 300
Waukesha, WI 53188-1671

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

No. 2020AP307

Backus v. Waukesha Cnty. L.C. #2018CV1379

Defendant-appellant, Waukesha County (the County), has filed a motion to supplement the record on appeal with three documents or, alternatively to take judicial notice of those three documents: (1) a motion for consolidation filed by plaintiff-respondent, Gregory M. Backus, in the circuit court in this action, Backus v. Waukesha County, Waukesha County Case No. 18-CV-1379 (Backus I); (2) the County's response to the consolidation motion filed in the circuit court in Backus I; and (3) a summons and complaint in a different action filed in the Waukesha County circuit court, Backus v. Waukesha County, Waukesha County Case No. 21-CV-591 (Backus II). Mr. Backus has filed a response, in which he states that if the court grants the County's motion to supplement or for judicial notice, then he moves the court to supplement the record on appeal with or to take judicial notice of the County's answer filed in Backus II. Accordingly,

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IT IS ORDERED that the County's motion to supplement the record is granted with respect to Backus's motion for consolidation (filed May 3, 2021) and with respect to Waukesha County's response to the motion for consolidation (filed June 16, 2021), both of which were filed in this case; and

IT IS FURTHER ORDERED that, on or before Monday, December 13, 2021, the clerk of circuit court shall transmit to this court a supplement to the record on appeal in this matter containing the "Notice of Motion and Motion for Consolidation" of Gregory M. Backus v. Waukesha County, Case No.18-CV-1379 and Gregory M. Backus v. Waukesha County and Wisconsin Department of Transportation, Case No. 21-CV-591, filed May 3, 2021; and Waukesha County's response in opposition to Plaintiff's Motion for Consolidation, filed on June 16, 2021; and

IT IS FURTHER ORDERED that this court will take judicial notice of (1) the "Summons" and "Verified Petition and Complaint" in Backus v. Waukesha County, Case No. 21-CV-591 (filed April 9, 2021); and (2) "Defendant, Waukesha County's Answer and Affirmative Defenses to Plaintiff's Complaint" in Backus v. Waukesha County, Case No. 21-CV-591 (filed April 29, 2021); and

IT IS FURTHER ORDERED that the clerk of circuit court shall enter the documents specified in the preceding paragraph into the record on appeal in this matter and shall, on or before December 13, 2021, transmit to this court a supplement to the record on appeal containing those documents. The clerk of circuit court shall note in the docket record that this court has taken judicial notice of those documents for the purpose of this appeal.

Sheila T. Reiff
Clerk of Supreme Court