

STATE OF WISCONSIN SUPREME COURT STATE OF WISCONSIN

ST. CROIX COUNTY,
A Municipal Corporation
1101 Carmichael Road
Hudson, WI 54016,

Plaintiff-Respondent,

vs.

Michael Michaud,
1245 Rolling Hills Trail
Hudson, WI 54016

And

Joanne Michaud,
1245 Rolling Hills Trail
Hudson, WI 54016

Defendant-Appellant.

Case No. 2020AP001181 and 2020AP1182

PETITION FOR REVIEW

Petitioners request that the Supreme Court review these cases based on the behavior of Heather Amos (FKA Heather Wolske) many of which is criminal, and involved the State of Wisconsin under Scott Walker having to make specific exemptions for the Amish community from a similar tactic of selective enforcement.

In Eau Claire County from 2013 to 2015 the Amish community was hit with nearly a dozen complex forfeiture with some cases daily fines totaling over \$300,000, all over the lack of smoke detectors and septic system permits, something their religions strictly limit or outright bans. This plight was brought before the Wisconsin Legislature and Governor who specifically exempted the Amish community from septic permit requirement and smoke detector requirements justifying their decision on 1st Amendment rights and privileges, shortly after these changes were made to this law both Heather Wolske (Assistant Corporation Counsel of Eau Claire County) and Kristina Bourget (responsible official overseeing the case) both resigned abruptly and shortly after the changes made by the State.

Below is how the three underlying cases for case no. 2020AP001181 and 2020AP1182 never came to trial and the vindictive prosecution underlying them.

In 2015 Petitioners began working with the St. Croix County to bring their property under compliance with their zoning codes concerning outdoor storage. Petitioners were making steady and consistent progress towards what the County wanted. This was until during the process work was stalled as they were forced to put in a new septic system, and during the review of the documents of the inspection and permits of the system Petitioner Michael Michaud found his signature was forged, in a meeting on October

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OF WISCONSIN**

10th, 2018 he brought this before Sarah Borrell (FKA Droher) and Ryan Yarrington. After Petitioner refused to sign a new document and sweep his forged signature under the rug he was ticketed on October 19th, back dated to September 7th, 2018. Despite the continued progress made under the agreement with Sarah Droher that as long as progress was being shown, the Petitioners wouldn't have legal action taken against them.

Shortly after this while the ticket underlying this case was maturing and playing out in the Courts, Petitioner filed suit against Ryan Yarrington on November 7th, 2019 for allowing the septic system he was forced to install to pass inspection despite the majority of it being buried under dirt for during the inspection. On January 16th, 2020 his employment with St. Croix County was terminated abruptly prior to the conclusion of the litigation against him.

When the 90 day SCR 70.36 time limit for the Circuit Court was approaching for the case 2018FO520, Corporation Counsel escalated the case into a full complex forfeiture case, and the Circuit Court decided to make the Forfeiture a trailing case, burying it despite it being completed and submitted in final form on February 20th, 2019. The complex forfeitures were filed on May 10th, 2019, 11 days before the deadline, the decision to have case 2018FO520 become a trailing case buried it despite the cases by both the County's and Court's words "All the issues regarding the property will be addressed in that [new] case" needlessly extended and delayed proceedings. The filing of a new cases (2019CX03A and 2019CX03B) does not impact the facts or law that were argued for in 2018FO520, the Circuit Court failed to rule on 2018FO520's standing until May 20th, 2020 a full year and 3 months after the matter was submitted in full.

On May 1st, 2020 Petitioners discovered that Sarah Borrell had recently inspected a septic system just down the road from their residence, the owner of the new system posted pictures of the installation which documented clearly the plumber burying the septic system before the inspection was completed. In her inspection report it was made clear that the ends were left open for inspection, on May 4th, 2020 Petitioner filed an ethics complaint with St. Croix County and three days later Sarah Borrell, Heather Amos, and Kathy Kittel (a staff member at the St. Croix County Clerk of Court) all filed a police report falsely claiming years of behavior that could be considered "Harassment and/or Stalking".

Shortly after this Sarah Borrell was sued by Petitioner Michael Michaud for her false statements made in that police report and on June 2nd, 2021 her employment with St. Croix County was terminated similar to Ryan Yarrington's employment termination. As it stands the only personnel from St. Croix County who made statements before the initial Circuit Court is Heather Amos.

St. Croix County is wishing to set new precedence with this case, no other case in the County received nearly the same level of fines or scrutiny for the amount of cooperation that was fielded by petitioners in working to clean up the property. A clear example of this is how at the same time as these cases were commencing another case of similar issue was playing out in 2001CV153, when given full authority and power to commence the cleanup demanded by the Circuit Court the County took over a year and still did not complete clean up to the standards set forth in the underlying ordinances. These cases were commenced shortly after a matter of fraud, forgery, identity theft, and utterance were brought to the attention of Sarah Borrell and Ryan Yarrington, both of whom no longer work for St. Croix County after filing resignations on short notice. Of similar cases in a similar timeframe though case 2018FO518 was filed at nearly the same time and based on the precedence set by that case, the complex forfeitures that overtook 2018FO520 should not have been filed for nearly two years after the conclusion of the Forfeiture case instead of a mere 7 months while proceedings were still ongoing and due for a ruling. It is clear that these cases were not based on the intention of maintaining code compliance but were vindictive prosecution to cover up matters of forgery and utterance that were brought before the same department and inspectors who were responsible for the inspection of the property.

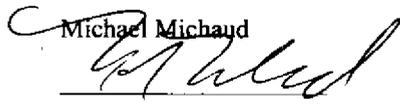
The Circuit Court flagrantly violated SCR 70.36 multiple times in the proceedings of 2018FO520, 2019CX03A and 2019CX03B. SCR 70.36 gives circuit courts 90 days to issue a ruling and/or decision on a matter presented in full before them or issue a certification to the Chief Judge and the case at hand for an extension of 90 days, no such certifications were ever presented in these matters and the Circuit Court chose

to issue a combined Final Order addressing 3 motions to dismiss, a motion for summary judgement, and a *De Novo* motion. The first motion to dismiss was the one issued under 2018FO520 and was submitted in full on February 20th, 2019 which is approximately 456 days between the Final Order and the Final Submissions. The second motion to dismiss was filed on November 1st, 2019 and final submissions were issued on November 27th, 2019 approximately 176 days prior to the Final Order. The third motion to dismiss was submitted in full 59 days prior to the final order and was not in violation. The County's Motion for Summary Judgement was submitted in final form on January 24th, 2020 approximately 118 days prior and is in violation of SCR 70.36 again. This collectively is 3 counts of violations of SCR 70.36 with one exceeding well over a year which put undue burden on Petitioners. This undue burden was further amplified when the Circuit Court took into account some of its delays in calculating the forfeiture it wished to impose on Petitioners.

The Circuit Court also touched on an issue of Double Jeopardy that was deliberately misconstrued, in the initial filings of 2019CX03A it was labeled "St. Croix County vs Michael Michaud and Joanne Michaud" and 2019CX03B was and still is labeled "St. Croix County vs Joanne Michaud" the parties in 2019CX03A were at one point changed without motion or notice to the docket but artifacts of this still exist in the initial filings and papers. This still presents constitutional issues as both Petitioners are married as well but one person was still sued twice for the exact same complaint by St. Croix County. 2019CX03B should have been dismissed as such instead of after the conclusion of the case during the transmittal to the Appellate Court an unnoticed and unmotioned changed in the parties.

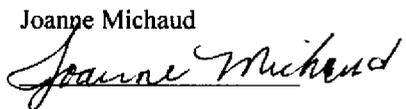
To conclude: St. Croix County requested and was granted a summary judgement following a vindictive prosecution, when held in comparison to other cases of a similar nature this case was handled far harsher despite the active efforts to come into compliance. By conducting this case in such a manner they are setting the precedence that any case involving the storage of junk may be escalated drastically in scope despite ongoing efforts to come into compliance and ongoing litigation. The Circuit Court further violated SCR 70.36 a total of 3 times in relation to this case causing excessive delays and putting undue burden on Petitioners with the excessive delays some exceeding over a year in length, circuit court judges and officials are held to standards and those standards were grossly exceeded in the execution of this case. St. Croix County further went on to file redundant cases against Joanne Michaud as she was sued twice in both 2019CX03A and 2019CX03B despite being both a party to 2019CX03A which held an identical complaint and named her as a party, the changing of the parties without notice or without motion is a further violation of the process of the courts. For the above stated reasons the Petitioners request a review of these cases by the Supreme Court.

Signed,

Michael Michaud


1245 Rolling Hills Trail
 Hudson, Wisconsin, 54016

Dated: 3-2-2022

Joanne Michaud


1245 Rolling Hills Trail
 Hudson, Wisconsin, 54016

Dated: 3-2-2022