



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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October 25, 2022

**To:**

Hon. Lloyd Carter  
Circuit Court Judge  
Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

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

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No. 2021AP1787-FT      Gahl v. Aurora Health Care, Inc., L.C. #2021CV1469

Petitioner-respondent-petitioner, Allen Gahl, has filed a renewed motion to waive the requirement of Wis. Stat. § 809.19(2)(ae) that the appendix shall be filed as a single document and to allow him to e-file his 540 page appendix in five sections due to the size of the electronic files. Petitioner-respondent-petitioner states that he contacted the e-filing support line for assistance and they were unable to decrease the size of his appendix to allow for any less than five separate pdf files. In his original motion, petitioner-respondent-petitioner stated:

The reason for the large size of the appendix is to give this court of review the opportunity to see the evidence that Dr. Pierre Kory submitted in order to prove that the drug, Ivermectin was both safe and effective. . . . Judge Lloyd Carter did

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not have him testify but evidently Dr. Kory's presence and willingness to testify satisfied any hearsay issues or misgivings the court might have had regarding the extensive Exhibits and the Transcript of Dr. Kory's testimony before the U.S. Senate oversight committee for the Department of Homeland Security on December 8, 2020. . . . These documents and significant parts of the transcript are therefore all relevant to prove that Judge Carter did not abuse his discretion.

IT IS ORDERED that the motion to waive the requirement of Wis. Stat § 809.19(2)(ae) is denied. The Judicial Council Committee's Note, 1978 to Wis. Stat. § 809.19 states, "the original record serves as the primary evidence of what occurred in the trial court. The appendix becomes a very abbreviated document with only those items absolutely essential to an understanding of the case. . . . The failure to include some item in the appendix has no effect on the ability or willingness of the court to consider any matter in the record." The citations to the record contained in petitioner-respondent-petitioner's brief are sufficient to direct the court to Dr. Kory's testimony and exhibits. There is no need to reproduce that voluminous material again in the appendix.

ANNETTE K. ZIEGLER, C.J., PATIENCE DRAKE ROGGENSACK, and REBECCA GRASSL BRADLEY, JJ., dissent.

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Sheila T. Reiff  
Clerk of Supreme Court