



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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January 18, 2023

To:

Gary Grass
2457 W Juneau Ave
Lavender House
Milwaukee, WI 53233

James Evenson
Referee

Frank X. Sullivan
Kim M. Kluck
Office of Lawyer Regulation
110 E. Main Street, Ste. 315
Madison, WI 53703

Madaleine R. Mulrey

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

No. 2020AP1651-D

Office of Lawyer Regulation v. Madaleine R. Mulrey

On June 16, 2022, respondent-appellant, Madaleine R. Mulrey, filed a notice of appeal of a referee's report and recommendation. This court granted three motions for an extension of time for Attorney Mulrey to file her opening brief. On October 18, 2022, Attorney Gary Grass filed a motion to (1) withdraw as counsel for Attorney Mulrey; (2) have this court appoint new counsel for Attorney Mulrey; and (3) grant Attorney Mulrey an additional 90-day extension of time to file her opening brief. The Office of Lawyer Regulation filed a letter stating that it takes no position on the motions. Attorney Mulrey sent the referee, via email, an objection to the motion to withdraw as counsel, which the referee then filed with the court. On November 2, 2022, the court issued an order directing Attorney Mulrey to file a formal objection to the motion to withdraw as counsel by November 25, 2022. It also directed Attorney Grass to file a response to the formal objection by December 5, 2022. After Attorney Mulrey filed her formal objection and Attorney Grass filed his response, the court granted Attorney Mulrey's motion to file a reply to Attorney Grass's response.

On December 28, 2022, while Attorney Grass's motion to withdraw as counsel for Attorney Mulrey and the motion for a briefing extension remained pending, the clerk's office issued an order stating that unless the appellant's brief and appendix was served and filed within five days, or an extension was requested, the appeal would be dismissed. Upon receipt of that order, Attorney Grass filed a brief and appendix on behalf of Attorney Mulrey on January 5, 2023. Along with the brief and appendix, Attorney Grass also filed a motion to seal medical records contained in the appendix.

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In Attorney Mulrey's reply to Attorney Grass's response to this court's November 2, 2022 order, she stated, "[I]t is evident that counsel has ruptured the attorney-client relationship and in doing so prejudiced her case, causing irreparable harm, as well as creating grounds which make it necessary to allow Counsel to withdraw as the attorney of record. . . ." Given that Attorney Mulrey agrees that Attorney Grass should withdraw as counsel, it is unclear whether she authorized him to file the brief and appendix on her behalf or whether she agrees with their contents. Accordingly,

IT ORDERED that the motion to withdraw as counsel is granted; and

IT IS FURTHER ORDERED that the motion to appoint new counsel for Attorney Mulrey is denied; and

IT IS FURTHER ORDERED that on or before February 1, 2023, Attorney Mulrey shall inform the court, in writing, whether she agrees that the brief and appendix filed by Attorney Grass on January 5, 2023 should stand as her opening brief and appendix in this appeal; and

IT IS FURTHER ORDERED that the motion to seal portions of the appendix filed on January 5, 2023 is granted; and

IT IS FURTHER ORDERED that the deadline for the Office of Lawyer Regulation to file its brief shall remain stayed pending further order of the court.

Sheila T. Reiff
Clerk of Supreme Court