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Supreme Court of Wisconsin

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FILED

02-16-2024

CLERK OF WISCONSIN

SUPREME COURT

February 16, 2024

To:

Hon. Michael P. Maxwell
Circuit Court Judge
Electronic Notice

Brett A. Eckstein
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Julie Ana Leary
Electronic Notice

Susan E. Lovern
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Nicholas Dean Castronovo
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Kelly J. Noyes
Electronic Notice

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2023AP109

Healy v. Community Memorial Hospital of Menomonee Falls, Inc.,
L.C.#2021CV1752

On February 14, 2024, plaintiff-appellant, James R. Healy, and defendant-respondent, Community Memorial Hospital of Menomonee Falls, Inc., jointly filed a “Notice of Settlement and Voluntary Dismissal Pursuant to Wis. Stat. § 809.18(2)” (the Notice). The Notice advises that the parties have reached “a preliminary settlement of the issues in litigation that will be the subject of circuit court approval pursuant to Wis. Stat. § 803.08(9)” The parties ask this court to dismiss the petition for bypass and “remand the case to the circuit court.” Because the petition for bypass has not been granted, jurisdiction over the appeal remains in the court of appeals, although that court has been stayed from “taking [the appeal] under submission” during the pendency of the petition for bypass. Wis. Stat. § (Rule) 809.60(3). Consequently, this court will dismiss the petition for bypass, which will terminate the limited stay imposed by rule on the court of appeals, but this court will not dismiss the appeal or consider the parties’ request for a remand to the circuit court. The parties will need to file a notice of voluntary dismissal and a request for remand with the court of appeals that explains the need for a remand. Accordingly,

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IT IS ORDERED that the petition for bypass filed by plaintiff-appellant James R. Healy is dismissed.

Samuel A. Christensen
Clerk of Supreme Court