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Supreme Court of Wisconsin

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FILED

06-30-2025

CLERK OF WISCONSIN

SUPREME COURT

June 30, 2025

To:

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Circuit Court Judge
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Milwaukee County Appeals Processing
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*Distribution List Cont. on Page 2

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

No. 2024AP126

Wren v. Columbia St. Mary's Hospital Milwaukee, Inc.,
L.C.#2023CF4960

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of defendants-respondents-petitioners, Columbia St. Mary's Hospital Milwaukee, Inc. et al., and considered by this court;

IT IS ORDERED that the petition for review is granted and that pursuant to Wis. Stat. § (Rule) 809.62(6), the defendants-respondents-petitioners may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court. We note that on pages 10-11 of their response to the petition for review,¹ plaintiffs-appellants-respondents, Savannah Wren et al., asserted that the statute at issue in this case, Wis. Stat. § 895.4801, violates certain constitutional provisions in addition to the sole provision discussed by the court of appeals, Wis. Const. art. I, § 5 ("Trial by jury"). Although it was permissible for plaintiffs-appellants-respondents to assert these alternative grounds for affirmance of the court of appeals' decision, see § (Rule) 809.62(3)(d), the parties are advised that the court's review of the constitutionality of § 895.4801 will be limited in this case to a review of its compliance with Wis. Const. art. I, § 5; and

¹ This citation is to the electronic filing page numbers in the response to the petition for review. See Wis. Stat. § (Rule) 809.19(8)(bm) (addressing pagination of appellate filings).

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IT IS FURTHER ORDERED that pursuant to Wis. Stat. §§ (Rules) 809.62(6) and 809.63, within 30 days after the date of this order the defendants-respondents-petitioners must file a brief in this court; that within 20 days of filing the plaintiffs-appellants-respondents must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the plaintiffs-appellants-respondents, within 10 days of filing the defendants-respondents-petitioners must file either a reply brief or a statement that no reply brief will be filed; and

IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.

Samuel A. Christensen
Clerk of Supreme Court

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