

WISCONSIN SUPREME COURT

OFFICE OF THE CLERK

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TABLE OF PENDING CASES

The following table describes pending cases the Supreme Court has accepted on petition for review, bypass, certification, and original jurisdiction.

The cases included for the first time (that is, the most recently accepted cases) are marked with an asterisk (*) next to the case number. After the Supreme Court decides a case, the date of oral argument or date of submission on briefs will be replaced with the date of the Supreme Court decision and an abbreviated mandate. That mandate will generally be displayed in the table for two months, after which the case will be removed.

The information in the table, from left to right, is as follows:

- Case No.: Case number this includes hyperlinks to online case access;
- Case Caption: the abbreviated caption of the case (case name);
- Issue(s): a summary of the issues, with hyperlinks to relevant statutes and cases where applicable;
- SC Accepted: the date the Supreme Court accepted the case including how the case reached the Supreme Court. Abbreviations used are:

BYPA = Petition to bypass	CERT = Certification
ORIG = Original Action	RE VW = Petition for review
- Oral Arg./Brief Subm. Date: the date of oral argument or submission on briefs; or the date of the Supreme Court decision along with an abbreviated mandate;
- CA Dist./Cty Information: the Court of Appeals district from which the case came, if applicable, as well as the county of origin;
- CA Decision: the date of the Court of Appeals decision, if applicable;
- Decision Publication Status: Indication of whether the Court of Appeals decision is published or unpublished. If published, citations to the public domain and the official reports are provided, along with hyperlinks where available.

The issues presented in this table are intended to be concise and do not aim to provide a comprehensive or detailed description of the specific case. Readers who want to understand the specifics of these issues should refer to the records and briefs filed with the Supreme Court.

The following table covers cases accepted and decisions issued through **March 4, 2026**. Please direct any comments regarding this table to the Clerk of Supreme Court via email to Clerk@WICourts.gov.

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Case No.	Caption/Issue(s)	SC Accepted/ Oral Arg. or Brief Subm.	CA Dist./ Cty.	CA Decision
2022AP182	<u>Koble Investments v. Elicia Marquardt</u> Do the provisions of Wis. Stat. § 427.104(1) apply to a landlord attempting to enforce a residential lease? If a residential lease incorporates the provisions of Wis. Stat. § 704.05(3) , does the lease violate Wis. Stat. § 704.44(10) and Wis. Admin. Code § ATPC 134.08(10) by failing to include the notice of domestic abuse protections required by Wis. Stat. § 704.14 ? When a residential tenant does not prove that he or she suffered any pecuniary loss because of a violation of Wis. Stat. § 704.44 or Wis. Admin. Code § ATPC 134.08(1), are damages recoverable under Wis. Stat. § 100.20(5) ? Can an attorney, who has withdrawn from representing a residential tenant, directly pursue and recover his or her own attorney fees—including those incurred on appeal—under Wis. Stat. §§ 100.25(1) or 425.308(1) based upon a landlord’s alleged violation of Wisconsin landlord-tenant law?	02/12/2025 REVW Oral Arg.: 09/09/2025	3 Marathon	04/23/2024 Pub. 2024 WI App 26

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2022AP431	<u>Wisconsin State Legislature v. Josh Kaul</u> Through 2017 Wisconsin Act 369, the Wisconsin Legislature amended Wis. Stat. § 165.10 to require the Department of Justice to “deposit all settlement funds into the general fund.” Does the Department “deposit all settlement funds into the general fund” when it places moneys received from settlements into program revenue appropriations in the general fund? If the court determines that Wis. Stat. § 165.10 and § 20.906(1) should be interpreted not to prohibit the attorney general from crediting settlement funds into the appropriation under Wis. Stat. § 20.455(3)(g), does the language of Wis. Stat. § 20.455(3)(g) authorize the crediting of civil action settlement proceeds to that appropriation? In other words, do the services rendered by Department of Justice personnel in litigating a civil action on behalf of the State of Wisconsin or an executive branch agency constitute “proceeds from services” under Wis. Stat. § 20.455(3)(g)?	12/08/2025 REVW Oral Arg.: 03/11/2026	3 Polk	12/18/2024 Pub. 2025 WI App 2

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2022AP723	<u>Estate of Carol Lorbiecki v. Pabst Brewing Company</u> Wisconsin’s safe place statute generally requires an owner of a place of employment or a public building to “construct, repair or maintain such a place of employment or public building as to render the same safe,” Wis. Stat. § 101.11, for employees and frequenters. Is Pabst liable under Wisconsin’s safe place statute for Mr. Lorbiecki’s injuries? To award punitive damages, Wisconsin law requires “evidence ... showing that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff.” Wis. Stat. § 895.85(3). Should the jury be allowed to consider punitive damages for every alleged negligent violation of Wisconsin’s safe place statute? Wisconsin limits punitive damages to the greater of \$200,000 or “twice the amount of any compensatory damages recovered by the plaintiff.” Wis. Stat. § 895.043(6) (emphasis added). “The rule of joint and several liability does not apply to punitive damages.” Id. § 895.043(5). Does the statutory phrase “compensatory damages recovered” in Wisconsin Statute § 895.043(6) include damages that a plaintiff cannot recover?	12/10/2024 REVW Oral Arg.: 09/08/2025	1 Milwaukee	05/07/2024 Pub. 2024 WI App 33

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2022AP937	<u>Legend Lake Property Owners Association, Inc. v. Guy Keshena</u> Whether Congress abrogated the Menominee Indian Tribe’s sovereign immunity through the Menominee Restoration Act, Pub. L. No. 93-197, § 3(b), 87 Stat. 770 (1973)(“MRA”); Whether there is an “in rem” exception or an “immovable property” exception to tribal sovereign immunity; Whether the Tribe waived its sovereign immunity when it purchased properties that were subject to restrictive covenants, including one that specifically provided that any purchaser waived sovereign immunity; and Whether the MRA preempts the enforcement of restrictive covenants on property under state law.	03/13/2025 CERT Oral Arg.: 10/13/2025	3 Menominee	--
2022AP1728	<u>Heather Gudex v. Franklin Collection Service, Inc.</u> Whether a rejected offer of complete individual relief, together with universal injunctive relief, for an alleged violation the Wisconsin Consumer Act, Chapter 427, made by “the person against whom [the] alleged cause of action is asserted” to the allegedly aggrieved “party” pursuant to Wis. Stat. § 426.110(4)(c) , both moots such aggrieved party’s individual claim and precludes such party from maintaining a class action for damages and injunctive relief under Wis. Stat. § 426.110 . Whether a plaintiff who suffers no actual damages or other concrete injury, and who claims only “confusion” resulting from an alleged technical violation of Wis. Stat. Ch. 427 , is “a person injured” within the meaning of Wis. Stat. § 427.105(1) so as to have standing to bring an action for actual damages and the statutory penalty under Wis. Stat. § 425.304 .	03/13/2025 REVW Reversed & Remanded 03/04/2026 2026 WI 6	1 Milwaukee	12/03/2024 Unpub.

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2022AP2026	<u>Konkanok Rabiebna v. Higher Educational Aids Board</u> The U.S. Supreme Court has held that programs using racial classifications are constitutional if they have a measurable compelling interest, narrow tailoring designed to address that interest, a lack of substantial harm to other groups, and a way to measure an appropriate end. Wisconsin Stat. § 39.44 , currently funded at less than one percent of state aid, addresses disproportionate attrition rates among students in specific racial groups by awarding grants, beginning sophomore year, through the private colleges and Wisconsin technical colleges the students attend. The grants help those schools retain the classes they matriculated and promote equal opportunity for all students. They dramatically reduce attrition for grant recipients, far more than race neutral financial aid. Annual reports keep public officials apprised of the program's performance, and the Legislature chooses how to fund the program biennially. Did the respondents show that the statute is unconstitutional in all applications? For a plaintiff to have standing, this Court's precedent requires the plaintiff to have suffered a real and immediate injury and to have a legally protectable interest. In turn, to establish taxpayer standing, a plaintiff must suffer a personal, pecuniary injury. Mere disagreement with a law is insufficient to afford taxpayer standing. Here, Respondents are not students seeking financial assistance. Instead, as taxpayers, they challenged some of the criteria governing the Retention Grant but did not seek to have fewer taxpayer dollars spent. Did Respondents satisfy the requirements for taxpayer standing by demonstrating a personal pecuniary loss?	11/04/2025 REVW Oral Arg.: 02/11/2026	2 Jefferson	02/26/2025 Pub. 2025 WI App 24

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2023AP36	<u>Wisconsin Voter Alliance v. Kristina Secord</u> Because the Notices Voting Eligibility are not a court's underlying determination "pertinent to a finding of [an individual's] incompetency," but communications regarding the individual's right to vote after a competency hearing, are the Notices subject to disclosure under the Wisconsin Public Records Act? Whether the district court should have granted a petition for a writ of mandamus when documents sought under Wisconsin's Public Records Law, such as Notices of Voting Eligibility, are public information subject to disclosure.	01/07/2026 REVW Oral Arg.: 04/21/2026	2 Walworth	03/19/2025 Unpub.
2023AP498	<u>Charlie May Brekke v. Midwest Medical Ins. Co.</u> Whether an unborn child (or any minor child) is a patient under WIS. STAT. § 448.30 and thus entitled to informed consent with the independent right to pursue legal action against a physician who fails to comply with said statute.	01/07/2026 CERT Oral Arg.: 04/21/2026	2 Winnebago	--

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2023AP588	<u>Cincinnati Insurance Company v. James Ropicky</u> Whether The Cincinnati Insurance Company (“Cincinnati”) is entitled to judgment as a matter of law that the Fungi Exclusion contained in the Executive Classic Homeowner insurance policy it issued to James Ropicky (“Ropicky”) precludes coverage, except for the \$10,000 limit of insurance provided pursuant to Section I, A.5. Section I Additional Coverage m. Fungi, Wet or Dry Rot, or Bacteria of the Policy, which Cincinnati has undisputedly paid. Whether Cincinnati is entitled to judgment as a matter of law that it met its burden of establishing that the Policy’s Construction Defect Exclusion applies to preclude coverage for damage caused by water infiltration and that Ropicky has not met his burden of establishing that an exception to the Construction Defect Exclusion, i.e., the “ensuing loss” clause, applies to reinstate coverage.	11/4/2025 REVW Oral Arg.: 02/10/2026	2 Waukesha	12/26/2024 Pub. 2025 WI App 5
2023AP715-CR	<u>State v. J.D.B.</u> <i>Sell</i> sets forth the standard for the government to obtain an involuntary medication order to restore trial competency. To comport with due process, a court must find that (1) an important governmental interest is at stake, (2) involuntary medication will significantly further that interest, (3) involuntary medication is necessary, and (4) involuntary medication is medically appropriate. On top of the <i>Sell</i> factors, to obtain a medication order, the State must establish that the defendant is incompetent to refuse medication. Did the State prove the <i>Sell</i> factors by clear and convincing evidence? Did the State prove the defendant incompetent to refuse treatment?	02/12/2025 REVW Reversed 02/25/2026 2026 WI 5	1 Milwaukee	09/10/2024 Pub. 2024 WI App 61

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2023AP722-CR	<u>State v. N.K.B.</u> Under Wisconsin’s Mental Health Act, “patients” have the right to refuse medication except under certain circumstances, including where they pose a danger to themselves or others at the institution charged with their care. Chapter 971.14 committees, like Chapter 980 committees, are “patients” within the meaning of the Act. The Court previously held that the Act authorized a Chapter 980 committing court to order involuntary medication to address a committee’s dangerousness at an institution. Does the Act also authorize a Chapter 971.14 committing court to order forced medication to address dangerousness at an institution?	02/12/2015 REVW Oral Arg.: 09/04/2025	1 Milwaukee	10/01/2024 Pub. 2024 WI App 63
2023AP2102	<u>State v. K.R.C.</u> One day while at school, twelve-year-old Kevin (pseudonym used) was called out of class to the principal’s office. The principal directed Kevin to the “school resource” officer’s office. Inside the office were two police officers. While one officer interrogated Kevin, the other stood in front of the door. Kevin was never given <i>Miranda</i> warnings. The issues presented are: - Whether Kevin was “in custody” under the <i>Miranda</i> standard and should have been provided <i>Miranda</i> warnings. - Whether Kevin’s inculpatory statements were involuntarily procured by coercive police tactics.	03/13/2025 REVW Oral Arg.: 10/27/2025	2 Manitowoc	10/30/2024 Unpub.

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2023AP2319- CR	<u>State v. Michael Joseph Gasper</u> Whether Gasper was entitled to a “Reasonable Expectation of Privacy” in data uploaded to his Snapchat Account from his cellphone. Whether the March 3, 2023 warrantless viewing by Law Enforcement of the Snapchat Cybertip satisfies the “Private Search” exception to the Fourth Amendment. Whether the “Good Faith Exception” to the exclusionary rule applies to obviate the constitutional violation of the Fourth Amendment Warrant requirement in this case. Case to be heard with State v. Rausch Sharak, 2024AP469.	03/13/2025 REVW Affirmed & Remanded 01/14/2026 2025 WI 3	2 Waukesha	10/30/2024 Pub. 2024 WI App 72
2024AP126	<u>Savannah Wren v. Columbia St. Mary's Hospital Milwaukee, Inc.</u> Whether Wis. Stat. § 895.4801's grant of immunity to healthcare providers for allegedly negligent actions at the start of the COVID-19 pandemic is an unconstitutional violation of an individual's right to a jury trial?	06/30/2025 REVW Oral Arg.: 10/27/2025	1 Milwaukee	02/11/2025 Pub. 2025 WI App 22
2024AP250	<u>Outagamie County v. M.J.B.</u> Is an examiner's report filed less than 48 hours in advance of the final hearing considered inaccessible under Wis. Stat. § 51.20(10)(b), resulting in the circuit court losing competency to proceed?	10/06/2025 REVW Oral Arg.: 02/10/2026	3 Outagamie	05/20/2025 Pub. 2025 WI App 37

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2024AP469-CR	<u>State v. Andreas W. Rauch Sharak</u>	03/13/2025 CERT Affirmed 02/24/2026 2025 WI 4	4 Jefferson	--
	Whether a person who holds an electronic account with an electronic service provider (ESP) retains a reasonable expectation of privacy, as to the government, in files that the ESP obtains from the account, despite terms of service that provide that the ESP will scan the account for illegal content and may report such content to law enforcement.			
	Whether an ESP's scan and review of files in a person's electronic account constitute a private search or a government search under <i>State v. Payano-Roman</i> , 2006 WI 47 , 290 Wis. 2d 380, 714 N.W.2d 548.			
	Whether a law enforcement officer is required to obtain a warrant before opening and viewing any files that the ESP sent to National Center for Missing and Exploited Children (NCMEC), which then sent the files to law enforcement.			
	Case to be heard with State v. Gasper, 2023AP2319 , 2024 WI App 72 .			

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2024AP673	<u>Sierra Club v. Wisconsin Department of Natural Resources</u> As part of its role in issuing air-pollution control permits, DNR has developed an internal guidance memorandum about how best to determine the impact that a proposed facility's emissions will have on air quality. This guidance memo instructs DNR staff to use data collected from statewide and regional air-quality monitors and data extrapolated from those monitors. The memo does not independently impose any mandatory requirements and instead implements the air-permitting procedures codified in statute and in state and federal administrative rules. The memo expressly states that it "does not establish or affect legal rights or obligations," "does not create any rights enforceable by any party in litigation," and that it "is not finally determinative of any . . . issues addressed," which will instead be determined in the final permitting decision. Does this memo have the "force of law" such that it needed to undergo formal, notice-and-comment rulemaking?	02/12/2026 REVW	4 Dane	05/15/2025 Pub. 2025 WI App 39
2024AP1195	<u>Sheboygan County v. N. A. L.</u> Did the trial court violate N.A.L.s due process rights by accepting the stipulation for commitment and issuing and order for involuntary medication without conducting a colloquy to ensure the stipulation was knowing, intelligent, and voluntary?	05/21/2025 REVW Oral Arg.: 09/04/2025	2 Sheboygan	02/05/2025 Unpub.

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2024AP1390	<u>Waukesha County v. R. D. T.</u> Is R.D.T.'s appeal from their recommitment moot where the commitment has expired, but they remain liable for the costs of care and subject to a firearm ban? Did the circuit court make sufficient factual findings — grounded in admissible evidence — to support R.D.T.'s recommitment?	11/17/2025 REVW Oral Arg.: 03/10/2026	2 Waukesha	02/12/2025 Unpub.
2025AP813-FT	<u>Racine County v. R. P. L.</u> Did the court of appeals apply the correct legal standard to its review of the sufficiency of the evidence? Applying the correct legal standard, does the evidence meet the statutory criteria?	11/17/2025 REVW Oral Arg.: 03/10/2026	2 Racine	07/30/2025 Unpub.

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