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Wisconsin Supreme Court accepts three cases at June 17 conference

Madison, Wisconsin (July 10, 2024) – The Wisconsin Supreme Court recently voted to accept three cases, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin and the issues presented in granted cases are listed below. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of pending Supreme Court cases can be found [here](#).

No. 2022AP1158

Oconomowoc Area School District v. Cota

Supreme Court case type: Petition for Review & Cross Petition

Court of Appeals: District II

Circuit Court: Waukesha County, Judge Lloyd V. Carter, *reversed and remanded with directions*.

Long caption: Oconomowoc Area School District, Petitioners-Appellant v. Labor and Industry Review Commission, Respondent-Respondent-Petitioner, Jeffrey M. Cota and Gregory L. Cota, Respondents-Respondents-Cross-Petitioners.

Issue(s) presented by Labor and Industry Review Commission:

1. Does information indicating that an individual has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried pursuant to law enforcement authority, for a municipal offense punishable by forfeiture, constitute an "arrest record"

within the meaning of [the WFEA] and does the WFEA therefore provide protection against terminations that are based upon this information?

2. If the Court agrees on the first issue presented, a secondary issue is presented as to whether substantial evidence in the record supports the factual finding of the [LIRC] that the decision of the Oconomowoc Area School District ("the District") to terminate the employment of Jeffrey Cota and Gregory Cota ("the Cotas") was made on the basis of their arrest records, in violation of the WFEA.

Issue(s) presented by Jeffrey M. Cota and Gregory L. Cota:

1. Did LIRC and the trial court correctly determine that a municipal citation was an arrest record as defined by Wis. Stat. § 111.32(1), and therefore firing the Cotas because of information indicating the Cotas had been issued a municipal citation was arrest record discrimination?
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No. 2023AP1072

Douglas County v. K.A.D.

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Douglas County, Judge Kelly J. Thimm, *affirmed*.

Long caption: Douglas County, Petitioners-Respondent v. K.A.D., Respondent-Appellant-Petitioner.

Issue(s) presented:

1. Should this court overrule [Outagamie County v. L.X.D.-O., 2023 WI App 17, 407 Wis. 2d 441, 991 N.W.1d 518]?
 2. Whether the County presented sufficient evidence under Wis. Stat. § 51.61(1)(g)4. to establish that K.A.D. was incompetent to refuse medication?
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Supreme Court case type: Original Action Petition

Long caption: Jeffery A. LeMieux and David T. DeValk, Petitioners v. Tony Evers, Governor of Wisconsin, Sarah Godlewski, Secretary of State of Wisconsin, and Jill Underly, Wisconsin State Superintendent of Public Instruction, Respondents.

Issue(s) presented:

1. Does Article V, § 10(1)(c) of the Wisconsin Constitution forbid a governor from deleting digits in an enrolled bill to create a new year?
2. Does a governor exceed his or her partial-veto authority under Article V, § 10(1)(b) of the Wisconsin Constitution by deleting language in an enrolled bill to create a longer duration than the one that the legislature approved?

Review denied: The Supreme Court denied review in the following cases. As the state’s law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

Brown County

2024AP45	<u>Brown County H&HS v. R.U.</u>
2024AP46	

Chippewa County

2020AP1876-CR	<u>State v. Hoyle</u>
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Clark County

2023AP351-CR	<u>State v. Timm</u>
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Dane County

2024AP252-W	<u>Thomas v. Eplett</u> [Writ of Habeas Corpus]
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Eau Claire County

2022AP1622-CR	<u>State v. Schultz</u>
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Fond du Lac County

2021AP2034-CR	<u>State v. Forsyth</u>
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Grant County

2023AP585-CRNM	<u>State v. Gatlin</u>
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Jackson County

2023AP1495
2023AP1496

Jackson County DHS v. I.J.R.

Jefferson County

2022AP1772

Hering v. Rural Mutual Ins. Co.

Kenosha County

2022AP1533-CR

State v. Seaberg

2023AP1723
2023AP1724

State v. I.A.A.

2023AP1824

Kenosha County DC&FS v. J.M.C., III

La Crosse County

2022AP1543-CR

State v. Fishbaugher

Marinette County

2021AP1369

State v. Nichols

2021AP2012-CR

State v. Schmitt

Milwaukee County

2022AP987-CR

State v. Howard

2022AP1390-CR

State v. Sills

2022AP1618-CR	<u>State v. Scott</u>
2022AP1663-CR	<u>State v. Fisher</u>
2022AP1837-CR	<u>State v. Dornbrook</u>
2022AP1887-CR	<u>State v. Walker</u> [Justice Janet C. Protasiewicz did not participate]
2022AP2080-CR	<u>State v. Johnson</u> [Justice Janet C. Protasiewicz did not participate]
2023AP1312-W	<u>Cooper v. Buesgen</u>

Oconto County

2022AP919	<u>Life Navigators, Inc. v. Bach</u> [Justice Brian Hagedorn did not participate]
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Oneida County

2022AP1069	<u>Eagle Cove Camp & Conference Center, Inc. v. Oneida County Board of Adjustment</u>
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Portage County

2023AP562	<u>Besiada v. Wisconsin Central, Inc.</u>
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Racine County

2023AP2018-FT	<u>Racine County v. C.B.</u>
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Rock County

2023AP1168-CR	<u>State v. Daugherty</u>
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Sauk County

2022AP2226-CR

State v. Hinton

Sheboygan County

2022AP888-CR

State v. Marcelle

2023AP1382

Sheboygan County DH&HS v. A.P.

Washburn County

2022AP1130-CR

State v. Clark

Waukesha County

2023AP472

Estate of Luterbach v. Ace Redi-Mix, Inc.

2024AP784-OA

Krause-Kapalczynski v. Kapalczynski
[Original Action Petition]

Waushara County

2023AP118-CR

State v. Anderson

Winnebago County

2023AP1484

Winnebago County v. D.S.