

In re:

PROPOSED AMENDMENT TO

WIS. STAT. RULE 809.18 (Voluntary Dismissal)

PETITION

The Court of Appeals respectfully petitions the Supreme Court to amend WIS. STAT. RULE 809.18 as follows:

809.18(1). An appellant may dismiss a filed appeal by filing a notice of dismissal in the court or, if the appeal is not yet filed, in the circuit court. The dismissal of an appeal by the appellant or by agreement of the parties or their counsel does not affect the status of a lower court decision, the status of a cross-appeal, or the right of a respondent to file a cross-appeal.

(2) If the parties compromise or otherwise settle the matter in litigation while the appeal is pending, the parties shall immediately inform the court that the matter has been compromised or settled. Upon receipt of such information, the court shall dismiss the appeal in accordance with sub. (1).

This petition is directed to the Supreme Court's rule-making authority under WIS. CONST., art. VII, sec. 3(1) and WIS. STAT. § 751.12.

Respectfully submitted on November ____, 2007.

Richard S. Brown
Chief Judge
Wisconsin Court of Appeals