Wisconsin Supreme Court and Court of Appeals Case Access

Dennis Clinard v. Michael Brennan

Appeal Number 2011AP002677 - OA

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	04-26-2021		Fee Paid
	Comment: Receipt No: 21R 000912			
OCCD	SC	04-26-2021		Invoice Issued
	Comment: Invoice No: 19800			
OCCD	SC	02-18-2014		Remittitur
	Comment: T/J			
OCCD	SC	01-13-2014		Opinion/Decision
	Opinion: Miscellaneous Order Decision: Dismissed Pages: 2 Order Text: ORD that the petition, along with all accompanying motions and requests for relief is dismissed. Prosser, J., did not participate.			
OCCD	SC	06-18-2013		Motion to Dismiss
	Filed By: Maria Lazar Submit Date: 6-19-2013 Decision: (M) Dismiss Decision Date: 1-13-2014 ORD that the petition, along with all accompanying motions and requests for relief is dismissed. Prosser, J., did not participate.			
OCCD	SC	06-11-2012		Letter/Correspondence
	Comment: Letter from Atty. Levinson's office advising of change of law firm; updated address accordingly.			
OCCD	SC	01-26-2012		Caption Amended
	Comment: Added Intervornors Respondents to case per 1/18/12 CTO			
OCCD	SC	01-05-2012		Motion for Miscellaneous Relief
	Filed By: Jeremy Levinson			

Submit Date: 1-5-2012
Decision: (G) Grant
Decision Date: 1-18-2012
ORD that the intervenors' motion is granted, and the intervenors' reply brief is accepted for filing.
FRO that the petitioners' motion for leave to file a surreply brief is granted. Petitioners' surreply brief shall be filed on or before January 30, 2012, and shall not exceed 20 pages in length.
Prosser, J. Did not participate.
Motion Response
Filed By: Jeremy Levinson
Submit Date: 1-17-2012
Comment: Motion for Leave to file a Reply Brief in Support of Motion for Recusal/Disqualification

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OCCD SC 12-22-2011 Motion for Miscellaneous Relief

Filed By: Jeremy Levinson
Submit Date: 12-22-2011
Decision: (D) Deny
Decision Date: 1-20-2012
ORD that the motion to Justice Michael J. Gableman individually is hereby denied.
Motion Response
Filed By: Michael Dean
Submit Date: 12-29-2011
Motion Response
Filed By: Michael Dean
Submit Date: 1-3-2012
Motion Response
Filed By: Michael Dean
Submit Date: 1-6-2012
Motion Response
Filed By: Michael Dean
Submit Date: 1-30-2012
Comment: Motion for Recusal or Disqualification

OCCD SC 12-19-2011 Letter/Correspondence

Comment: from Attorney Dean, in response to Attorney Poland's 12/16/11 letter

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OCCD SC 12-16-2011 Letter/Correspondence

Comment: from Attorney Douglas Poland advising court of the "Baldus" trial scheduling order issued by U.S. District Court Eastern District of Wisconsin

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OCCD SC 12-09-2011 Response

OCCD SC 12-06-2011 Response

OCCD SC 12-05-2011 Motion for Miscellaneous Relief

Filed By: Eric McLeod
Submit Date: 12-5-2011
Decision: (G) Grant
Decision Date: 12-6-2011
ORD that the motion for substitution of counsel is granted.
FRO that the request for an extension of time to file memoranda is denied. The briefing schedules established by this court stand as set forth in the orders of the court. No extensions of time to file the

memoranda required by this court's orders will be granted.
Prosser, J., did not participate.
Motion Response
Filed By: Douglas Poland
Submit Date: 12-6-2011
Comment: motion for substitution of counsel

OCCD SC 12-05-2011 Certificate of Service

Comment: Inv. Pet. Combined Motion

OCCD SC 12-05-2011 Motion for Miscellaneous Relief

Filed By: Douglas Poland
Submit Date: 12-5-2011
Decision: (M) Dismiss
Decision Date: 1-13-2014
ORD that the petition, along with all accompanying motions and requests for relief is dismissed.
Prosser, J., did not participate.
Motion Response
Filed By: Douglas Poland
Submit Date: 12-6-2011
Comment: Combined Motion to Dismiss Petition with Prejudice or, in the Alternative, to Dismiss Themselves as Parties and to Stay Petitioners' Waukesha Circuit Court Action

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OCCD SC 12-02-2011 Motion for Miscellaneous Relief

Filed By: Eric McLeod
Submit Date: 12-2-2011
Decision: (M) Dismiss
Decision Date: 1-13-2014
ORD that the petition, along with all accompanying motions and requests for relief is dismissed.
Prosser, J., did not participate.
Motion Response
Filed By: Jeremy Levinson
Submit Date: 12-2-2011
Motion Response
Filed By: Douglas Poland
Submit Date: 12-2-2011
Motion Response
Filed By: Maria Lazar
Submit Date: 12-6-2011
Motion Response
Filed By: Douglas Poland
Submit Date: 1-13-2014
Motion Response
Filed By: Maria Lazar
Submit Date: 12-9-2011
Motion Response
Filed By: Jeremy Levinson
Submit Date: 12-9-2011
Comment: Voluntary Withdrawal of Petition

OCCD SC 12-01-2011 Court Order

ORD that the intervenors shall be subject to the same briefing schedule and obligations imposed on the respondents and the involuntary petitioners by the court's November 30, 2011 order. All other parties

may respond to the intervenor's initial memorandum in their responsive memoranda to be filed on December 9, 2011.
Prosser, J., did not participate.

OCCD SC 11-30-2011 Court Order

FRO that by 12:00 p.m. on December 6, 2011, the respondents shall file a memorandum with the clerk of this court. The memorandum shall respond generally to the petition filed in this court and shall address, inter alia, the issues identified above. A single, joint memorandum on behalf of all of the respondents in their official capacities shall be permitted but is not required. The respondents shall file an original and twelve copies of their response(s) and any supporting materials.
FRO that by 12:00 p.m. on December 6, 2011, the involuntary petitioners shall file a memorandum with the clerk of this court. The memorandum shall respond generally to the petition filed in this court and shall address, inter alia, the issues identified above. A single, joint responsive memorandum on behalf of all of the involuntary petitioners shall be permitted but is not required. The involuntary petitioners shall file an original and twelve copies of their memorandum and any supporting materials.
FRO that petitioners, respondents, and involuntary petitioners each may file a responsive memorandum by 12:00 p.m. on December 9, 2011. The parties shall file an original and twelve copies of their responsive memorandum and any supporting materials.
The listing of the issues set forth above should not be construed as an indication whether or not the court intends to appoint a panel pursuant to Wis. Stat. secs. 751.035 and 801.50(4m) or grant leave to commence an original action in this case. (PART 2.)
Prosser, J., did not participate.

OCCD SC 11-30-2011 Court Order

ORD that the Petitioners shall file a memorandum with the clerk of this court by 12:00 p.m. on December 6, 2011. A single, joint memorandum on behalf of all of the Petetitioners shall be permitted but is not required. The Petitioners shall file an original and twelve copies of their memorandum and any supporting materials.
The petitioners' memo shall address the following issues:
1.Do Wis. Stat. 751.035 and 801.50(4m) apply to an action filed originally in the SC of WI? Is receiving notice under s. 801.50(4m) a condition precedent under Wis. Stat. 751.035 to any obligation of this court to appoint a panel of circuit court judges to hear a matter involving a challenge to apportionment? Inasmuch as the language of Wis. Stat. 751.035 uses the mandatory "shall appoint," does this court have discretion not to appoint a panel under Wis. Stat. 751.035 in the action filed in this court? Does the filing of the summons and complaint in Clinard v. Brennan, Waukesha County Case No. 2011CV3995, affect the petition filed in this court?
2.Should the WI state courts defer from proceeding with the Pet. in this matter in light of the action already pending in the United States District Court for the Eastern District of Wisconsin (Baldus v. Brennan, Case No. 11-cv-562 (E.D. Wis.)) or should apportionment matters be heard in state courts despite the presence of a pending federal action on the subject? See, e.g., Growe v. Emison, 507 U.S. 25 (1993); Jensen v. Wisconsin Elections Bd., 2002 WI 13, 249 Wis. 2d 706, 639 N.W.2d 537. What impact if any, does the language of Wis. Stat. 751.035 ("the SC shall appoint"), if it is applicable to the action filed in this court, have on the question whether this court should defer from proceeding on this matter in light of the pending federal action? (PART 1)

OCCD SC 11-30-2011 Motion to Intervene

Filed By: Jeremy Levinson
Submit Date: 11-30-2011
Decision: (G) Grant
Decision Date: 12-1-2011
ORD that the motion to intervene is granted; FRO that by 12:00 p.m. on December 6, 2011, the petitioners, Dennis Clinard, et al., respondents, Michael Brennan, et al., and involuntary petitioners, Alvin Baldus, et al., shall file memoranda with the clerk of this court responding to the intervenors' motion to dismiss; FRO that by 12:00 pm on December 9, 2011, the intervenors shall file a single

memorandum with the clerk of this court replying to the responses to the motion to dismiss filed by petitioners, respondents, and involuntary petitioners.

Prosser, J., did not participate.
Comment: 12/1/11 we received Affidavits from Randolph Brandt, John Kidd, Nancy Stencil, Rita Pachal.

OCCD SC 11-30-2011 Motion to Dismiss

Filed By: Jeremy Levinson
Submit Date: 11-30-2011
Decision: (M) Dismiss
Decision Date: 1-13-2014
ORD that the petition, along with all accompanying motions and requests for relief is dismissed.
Prosser, J., did not participate.
Motion Response
Filed By: Maria Lazar
Submit Date: 12-6-2011
Motion Response
Filed By: Michael Dean
Submit Date: 12-6-2011
Motion Response
Filed By: Douglas Poland
Submit Date: 12-9-2011
Motion Response
Filed By: Maria Lazar
Submit Date: 12-9-2011
Motion Response
Filed By: Jeremy Levinson
Submit Date: 12-9-2011
Comment: Brief in Support of Motion to Intervene

OCCD SC 11-21-2011 Fee Paid

Comment: Receipt No: 11R 002876

OCCD SC 11-21-2011 Petition for an Original Action

Filed By: Eric McLeod
Submit Date: 11-21-2011
Decision: (M) Dismiss
Decision Date: 1-13-2014
ORD that the petition, along with all accompanying motions and requests for relief is dismissed.
Prosser, J., did not participate.
Motion Response
Filed By: Eric McLeod
Submit Date: 11-21-2011
Motion Response
Filed By: Jeremy Levinson
Submit Date: 12-6-2011
Motion Response
Filed By: Douglas Poland
Submit Date: 12-9-2011
Motion Response
Filed By: Maria Lazar
Submit Date: 12-9-2011
Motion Response
Filed By: Jeremy Levinson

Submit Date: 12-9-2011
Comment: Sent to # 35 37 38