

# Wisconsin Supreme Court and Court of Appeals Case Access

**Karen Schill v. Wisconsin Rapids School District**

**Appeal Number 2008AP000967 - AC**

**Supreme Court**

## CASE HISTORY

| Status | Court | Filing Date     | Anticipated Due Date | Activity   |
|--------|-------|-----------------|----------------------|--|
| PEND   | CA    |                 | 06-11-2008           | -----Accelerated Case-----   |
| OCCD   | SC    | 08-18-2010      |                      | Remittitur   |
| OCCD   | SC    | 07-16-2010      |                      | Cites  |
|        |       | 327 Wis. 2d 572 |                      |  |
| OCCD   | SC    | 07-16-2010      |                      | Cites  |
|        |       | 786 N.W.2d 177  |                      |  |
| OCCD   | SC    | 07-16-2010      |                      | <a href="#">Opinion/Decision</a><br>Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman<br>Opinion: Opinion<br>Decision: Reversed and remanded Pages: 61<br>Written by: Abrahamson, Shirley S.<br>Ziegler, Annette K. Joined Dissenting Opinion<br>Bradley, Ann Walsh Wrote Concurring Opinion 9 pages.<br>Gableman, Michael J. Wrote Concurring Opinion 11 pages.<br>Roggensack, Patience Drake Wrote Dissenting Opinion 23 pages.<br>Order Text: The order of the circuit court is reversed and the cause remanded. |
| OCCD   | SC    | 07-15-2010      |                      | Public Domain Citation<br>Comment: PDC No: 2010 WI 86  |
| OCCD   | SC    | 02-05-2010      |                      | Additional Authorities   |
| OCCD   | SC    | 01-08-2010      |                      | Attorney Change  |
| OCCD   | SC    | 11-17-2009      |                      | Additional Authorities   |
| OCCD   | SC    | 11-10-2009      |                      | Oral Argument  |

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| OCCD SC | 11-03-2009  | Briefs Received At State Law Library   |
| OCCD SC | 11-02-2009  | Letter/Correspondence  |
| OCCD SC | 10-26-2009<br>Filed By: Robert Burns  | Other Brief-Supreme Court  |
| OCCD SC | 10-25-2009  | Briefs Received At State Law Library   |
| OCCD SC | 10-22-2009<br>Filed By: Jina Jonen  | Other Brief-Supreme Court  |
| OCCD SC | 10-07-2009  | Briefs Received At State Law Library   |
| OCCD SC | 10-05-2009<br>Filed By: Jennifer Lattis   | Brief of Amicus Curiae<br><a href="#">Brief of Amicus Curiae - Wisconsin Dept. of Justice</a>                      |
| OCCD SC | 10-05-2009<br>Filed By: Robert Dreps  | Brief of Amicus Curiae<br><a href="#">Brief of Amicus Curiae - Wisconsin Freedom of Information Council et al.</a> |
| OCCD SC | 09-15-2009  | Attorney Change  |
| OCCD SC | 09-01-2009  | Briefs Received At State Law Library   |
| OCCD SC | 08-24-2009<br>Filed By: Jina Jonen<br>Submit Date: 8-24-2009<br>Decision: (O) Other<br>Decision Date: 9-21-2009<br>ORD that the motion filed by the Wisconsin Freedom of Information Council, the Wisconsin Broadcasters Association, the Wisconsin Newspaper Association, the Milwaukee Journal Sentinel, Journal Broadcast Group, Inc., and the Associated Press is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.<br>FRO that the motion filed by the Wisconsin Department of Justice is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.<br>FRO that the parties to this review (not amici curiae) shall file supplemental briefs in response to the non-party briefs authorized above on or before October 23, 2009. The supplemental briefs shall address, inter alia, (1) whether the plaintiffs-appellants have standing to pursue the claims they raised in the circuit court, (2) whether the circuit court had subject matter jurisdiction over the plaintiffs-appellants' claims and was competent to proceed with those claims, and (3) whether this court has subject matter jurisdiction over the plaintiffs-appellants' claims and is competent to proceed with a review of those claims.<br>Motion Response<br>Filed By: Jennifer Lattis<br>Submit Date: 8-28-2009 | Motion for Miscellaneous Relief  |

Motion Response  
Filed By: Robert Dreps  
Submit Date: 9-2-2009  
Motion Response  
Filed By: Wayne Pankratz  
Submit Date: 9-15-2009

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OCCD SC 08-24-2009 Brief of Amicus Curiae  
[Brief of Amicus Curiae - AFSCME District Council 40](#)  
[Brief of Amicus Curiae - Madison Teachers, Inc.](#)  
  
Filed By: Tamara Packard

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OCCD SC 08-24-2009 Brief of Amicus Curiae  
  
Filed By: Bruce Ehlke

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OCCD SC 08-21-2009 Briefs Received At State Law Library

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OCCD SC 08-19-2009 Motion to File Amicus/Non-Party Brief  
  
Filed By: Jennifer Lattis  
Submit Date: 8-19-2009  
Decision: (G) Grant  
Decision Date: 9-21-2009  
ORD that the motion filed by the Wisconsin Freedom of Information Council, the Wisconsin Broadcasters Association, the Wisconsin Newspaper Association, the Milwaukee Journal Sentinel, Journal Broadcast Group, Inc., and the Associated Press is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.  
FRO that the motion filed by the Wisconsin Department of Justice is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.  
FRO that the parties to this review (not amici curiae) shall file supplemental briefs in response to the non-party briefs authorized above on or before October 23, 2009. The supplemental briefs shall address, inter alia, (1) whether the plaintiffs-appellants have standing to pursue the claims they raised in the circuit court, (2) whether the circuit court had subject matter jurisdiction over the plaintiffs-appellants' claims and was competent to proceed with those claims, and (3) whether this court has subject matter jurisdiction over the plaintiffs-appellants' claims and is competent to proceed with a review of those claims.

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OCCD SC 08-19-2009 Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)  
  
Filed By: Jina Jonen

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OCCD SC 08-18-2009 Motion to File Amicus/Non-Party Brief  
  
Filed By: Robert Dreps  
Submit Date: 8-19-2009  
Decision: (G) Grant  
Decision Date: 9-21-2009  
ORD that the motion filed by the Wisconsin Freedom of Information Council, the Wisconsin Broadcasters Association, the Wisconsin Newspaper Association, the Milwaukee Journal Sentinel, Journal Broadcast Group, Inc., and the Associated Press is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.  
FRO that the motion filed by the Wisconsin Department of Justice is granted. Twenty-two copies of the brief shall be filed on or before October 5, 2009.

FRO that the parties to this review (not amici curiae) shall file supplemental briefs in response to the non-party briefs authorized above on or before October 23, 2009. The supplemental briefs shall address, interalia, (1) whether the plaintiffs-appellants have standing to pursue the claims they raised in the circuit court, (2) whether the circuit court had subject matter jurisdiction over the plaintiffs-appellants' claims and was competent to proceed with those claims, and (3) whether this court has subject matter jurisdiction over the plaintiffs-appellants' claims and is competent to proceed with a review of those claims.

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| OCCD | SC | 08-18-2009 | Assigned-Oral Argument  |
| OCCD | SC | 08-12-2009 | Brief of Amicus Curiae<br><a href="#">Brief of Amicus Curiae - Wisconsin Counties Association</a><br><br>Filed By: Andrew Phillips  |
| OCCD | SC | 08-07-2009 | Response  |
| OCCD | SC | 08-05-2009 | Certificate of Service  |
| OCCD | SC | 08-05-2009 | Response Brief-Supreme Court<br><a href="#">Response Brief-Supreme Court</a><br><br>Filed By: Geoffrey Lacy   |
| OCCD | SC | 08-03-2009 | Motion to File Amicus/Non-Party Brief<br><br>Filed By: Lester Pines<br>Submit Date: 8-4-2009<br>Decision: (G) Grant<br>Decision Date: 8-10-2009<br>ORD that the motion filed by Madison Teachers, Inc. is granted. Twenty-two copies of the brief shall be filed on or before August 24, 2009;<br>FRO that the motion filed by the Wisconsin Council of County and Municipal employees, District Council 40, AFSCME, AFL-CIO, is granted. Twenty-two copies of the brief shall be filed on or before August 24, 2009. |
| OCCD | SC | 08-03-2009 | Motion to File Amicus/Non-Party Brief<br><br>Filed By: Wayne Pankratz<br>Submit Date: 8-3-2009<br>Decision: (D) Deny<br>Decision Date: 8-18-2009<br>ORD that the motion is denied.<br>Roggensack, J., dissents.<br>Motion Response<br>Filed By: Jina Jonen<br>Submit Date: 8-3-2009   |
| OCCD | SC | 07-31-2009 | Motion to File Amicus/Non-Party Brief<br><br>Filed By: Bruce Ehlke<br>Submit Date: 8-3-2009<br>Decision: (G) Grant<br>Decision Date: 8-10-2009<br>ORD that the motion filed by Madison Teachers, Inc. is granted. Twenty-two copies of the brief shall be   |

filed on or before August 24, 2009;  
FRO that the motion filed by the Wisconsin Council of County and Municipal employees, District Council 40, AFSCME, AFL-CIO, is granted. Twenty-two copies of the brief shall be filed on or before August 24, 2009.

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| OCCD SC   | 07-27-2009 | Motion to File Amicus/Non-Party Brief |
| Filed By: Andrew Phillips<br>Submit Date: 7-28-2009<br>Decision: (G) Grant<br>Decision Date: 7-29-2009<br>ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before August 12, 2009. |            |                                       |

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| OCCD SC                 | 07-27-2009 | Brief of Amicus Curiae<br><a href="#">Brief of Amicus Curiae - Office of the Milw. City Attorney and Office of Madison City Atty.</a> |
| Filed By: Grant Langley |            |   |

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| OCCD SC | 07-24-2009 | Attorney Change |
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| OCCD SC              | 07-16-2009 | First Brief-Supreme Court<br><a href="#">First Brief-Supreme Court</a> |
| Filed By: Jina Jonen |            |  |

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| OCCD SC   | 07-10-2009 | Motion to File Amicus/Non-Party Brief |
| Filed By: Melanie Swank<br>Submit Date: 7-13-2009<br>Decision: (G) Grant<br>Decision Date: 7-13-2009<br>ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before July 27, 2009. |            |                                       |

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| OCCD SC | 06-16-2009 | Court Changed to Supreme Court |
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| OCCD CA | 06-16-2009 | Hold Status |
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| OCCD SC   | 04-30-2009 | Certification Filed |
| Filed By: Unassigned District 4<br>Submit Date: 4-30-2009<br>Decision: (G) Grant<br>Decision Date: 6-16-2009<br>ORD the certification is granted and the appeal is accepted for consideration of all issues raised before the court of appeals. When this court grants direct review upon certification, it acquires jurisdiction of the case, that is, the entire appeal, which includes all issues, not merely the issues certified or the issue for which the court accepts the certification... Further, the court has jurisdiction over issues not certified because the court may review an issue directly on its own motion.<br>FRO that within 30 days after the date of this order the appellant must file either a brief in this court or a statement that no brief will be filed; that within 20 days of filing, the respondent must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the respondent, within 10 days of filing, the appellant must file either a reply brief or a statement that no reply brief will be filed; and<br>FRO that in any brief filed in this court the parties shall not incorporate by reference any portion of their |            |                     |

court of appeals' brief; instead, any material upon which there is reliance should be restated in the brief filed in this court; and

FRO that in the event any part elects not to file a brief in this court, the briefs previously submitted by that party to the court of appeals shall stand as that party's brief in the Supreme Court; and

FRO that within the time period established for the filing of briefs, each party must provide the clerk of this court with copies of the briefs previously filed on behalf of that party in the court of appeals. If a party elects to file a new brief(s), 10 copies of their court of appeals brief(s) must be provided. If a party elects to stand on their court of appeals brief(s), 17 copies of each of their court of appeals brief(s) must be provided.

FRO that the parties shall be notified of the date and time for oral argument in this appeal in due course. See DEC event filed on 4-30-2009

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| OCCD CA | 04-30-2009 | <a href="#">Opinion/Decision</a><br>Judge Panel: Bridge, Vergeront, Lundsten<br>Opinion: Certification<br>Decision: Certification Filed Pages: 6<br>Order Text: We certify the appeal to permit the supreme court to determine if the employees' personal emails are public records and, if they are, whether public policy reasons outweigh the public's interest in disclosure. |
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| OCCD CA | 11-12-2008 | Submitted on Briefs |
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| OCCD CA | 10-10-2008 | Record and Briefs Sent to District 4 |
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| OCCD CA | 10-08-2008 | Certificate of Filing by Mail |
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| OCCD CA | 10-06-2008 | Certificate of Service |
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| OCCD CA | 10-06-2008 | <a href="#">Brief of Amicus Curiae</a><br><a href="#">Brief of Amicus Curiae</a><br>Filed By: Melanie Swank |
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| OCCD CA | 10-03-2008 | Briefs Received At State Law Library |
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| OCCD CA | 09-25-2008 | Motion to Strike<br>Filed By: Jina Jonen<br>Submit Date: 9-30-2008<br>Decision: (G) Grant<br>Decision Date: 10-3-2008<br>ORD that the motion to strike is granted. By October 13, 2008, the nonparty shall submit amended versions of the nonparty brief that delete the struck portion.<br>Motion Response<br>Filed By: Melanie Swank<br>Submit Date: 9-30-2008 |
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| OCCD CA | 09-25-2008 | <a href="#">Brief of Amicus Curiae</a><br>Filed By: Melanie Swank |
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| OCCD CA | 09-05-2008 | Certificate of Service |
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| OCCD CA  | 09-05-2008 | Reply Brief<br><a href="#">Reply Brief</a>   |
| Filed By: Jina Jonen   |            |  |
| OCCD CA  | 09-03-2008 | Motion to File Amicus/Non-Party Brief  |
| Filed By: Melanie Swank<br>Submit Date: 9-3-2008<br>Decision: (G) Grant<br>Decision Date: 9-8-2008<br>ORD that the City of Milwaukee may file a non-party brief by September 29, 2008.   |            |  |
| OCCD CA  | 08-26-2008 | Certificate of Filing by Mail  |
| OCCD CA  | 08-25-2008 | Brief of Respondent(s)<br><a href="#">Brief of Respondent(s)- Don Bubolz</a>                         |
| Filed By: Don Bubolz   |            |  |
| OCCD CA  | 08-21-2008 | Attorney Change  |
| OCCD CA  | 08-21-2008 | Supplement to Record   |
| OCCD CA  | 08-21-2008 | Brief of Respondent(s)<br><a href="#">Brief of Respondent(s)-WI Rapids School &amp; Robert Crist</a> |
| Filed By: Robert Burns   |            |  |
| OCCD CA  | 08-14-2008 | Letter/Correspondence  |
| OCCD CA  | 07-31-2008 | Motion to Correct/Supplement Record  |
| Filed By: Don Bubolz<br>Submit Date: 8-12-2008<br>Decision: (G) Grant<br>Decision Date: 8-14-2008<br>ORD that the clerk of the circuit court shall file a supplemental return to include the letter Don Bubolz sent to the Wood County Clerk of Court and Judge Gregory Potter dated October 1, 2007, with attached exhibits A and B. The supplemental return shall be filed no later than five days from the date of this order.<br>FRO that the deadline for filing the respondent's brief is extended until ten days from the date of this order. |            |  |
| OCCD CA  | 07-10-2008 | Certificate of Service   |
| OCCD CA  | 07-10-2008 | Brief & Appx of Appellant(s)<br><a href="#">Brief of Appellant(s)</a>                                |
| Filed By: Jina Jonen   |            |  |
| OCCD CA  | 06-11-2008 | Court Order  |

# WSCCA Case History

ORD that this appeal will be submitted for decision immediately upon completion of the briefing.  
FRO that the "AC" [accelerated] suffix is attached to the appeal number.

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| OCCD | CA | 06-04-2008 | Record   |
| OCCD | CA | 05-13-2008 | Transcript filed in Circuit Court  |
| OCCD | CA | 05-13-2008 | Court Reporter's Statement-Trans.<br>Court Reporter Name: (Peterson, Michelle) |
| OCCD | CA | 04-23-2008 | Statement on Transcript<br>Filed By: Jina Jonen<br>Status: Ordered             |
| OCCD | CA | 04-18-2008 | RAP and Guide Sent   |
| OCCD | CA | 04-18-2008 | Notif. Sent-Filing of NAP & Ct. Record   |
| OCCD | CA | 04-18-2008 | Fee Paid   |
| OCCD | CA | 04-18-2008 | Notice of Appeal & Circuit Court Docket Entries                                |
| OCCD | CA | 04-16-2008 | Notice of Appeal filed in Cir. Ct.   |
| OCCD | CA | 04-15-2008 | Docketing Statement from Appellant   |
| OCCD | CA | 04-11-2008 | Order of Circuit Court   |