

Wisconsin Supreme Court and Court of Appeals Case Access

Milwaukee Branch of the NAACP v. Scott Walker

Appeal Number 2012AP001652

Supreme Court

CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity |
|--------|-------|---|----------------------|----------------------------------|
| OCCD | SC | 10-22-2014 | | Cites |
| | | 856 N.W.2d 177 | | |
| OCCD | SC | 10-22-2014 | | Public Domain Citation |
| | | Comment: PDC No: 2014 WI 117 | | |
| OCCD | SC | 09-19-2014 | | Motion for Miscellaneous Relief |
| | | Filed By: Richard Saks Submit Date: 9-19-2014 Decision: (O) Other Decision Date: 10-22-2014 ORD that the motion for enlargement of time is denied and the motion for reconsideration is dismissed as moot. Shirley S. Abrahamson, C.J. wrote dissent. Motion Response Filed By: Clayton Kowski Submit Date: 9-30-2014 Motion Response Filed By: Richard Saks Submit Date: 10-3-2014 Comment: Emergency Motion for Enlargement of Time and for Reconsideration | | |
| OCCD | SC | 09-03-2014 | | Remittitur |
| OCCD | SC | 07-31-2014 | | Cites |
| | | 357 Wis. 2d 469 | | |
| OCCD | SC | 07-31-2014 | | Cites |
| | | 851 N.W.2d 262 | | |
| OCCD | SC | 07-31-2014 | | Opinion/Decision |
| | | Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Opinion Decision: Reversed Pages: 38 | | |

Written by: Roggensack, Patience Drake
Abrahamson, Shirley S. Wrote Dissenting Opinion 3 pages.
Crooks, N. Patrick Wrote Dissenting Opinion 47 pages.
Bradley, Ann Walsh Joined Dissenting Opinion
Order Text: The judgment of the circuit court is reversed and the permanent and temporary injunctions are vacated.

OCCD SC 07-30-2014 Public Domain Citation
Comment: PDC No: 2014 WI 98

OCCD SC 02-25-2014 Oral Argument
Comment: 2nd case, 9:45 a.m; Atty Clayton Kowski for Def-App, Atty <Michael Morley for Int-Co-App, Atty Richard Saks for Pla-Res

OCCD SC 02-14-2014 Court Order
ORD that the oral argument time will be allotted as follows:
Case 12AP584-AC
Plaintiffs-appellants-petitioners; 30 minutes (25 min. for primary, 5 min. for rebuttal argument)
Defendants-appellants; 25 minutes
Intervenors-co-appellants: 5 minutes (ceded by def-appellants)
Case No. 12AP1652
def-appellants: 23 minutes (to be divided by primary and rebuttal argument)
invervenors-co-appellants: 7 minutes (to be divided between primary and rebuttal arg., ceded by def-app)
Plaintiffs-respondents: 30 minutes

OCCD SC 02-06-2014 Response
Comment: Plaintiffs-Respondents' [League] response to January 22,2014, court order.

OCCD SC 02-06-2014 Response
Comment: Intervenors-Co-Appellants' response to January 22, 2014, court order.

OCCD SC 02-06-2014 Response
Comment: Defendants-Appellants' response to January 22, 2014, court order.

OCCD SC 01-31-2014 Response
Comment: Plaintiffs-Respondents' [NAACP] response to January 22, 2014, court order.

OCCD SC 01-22-2014 Court Order
ORD that the parties are directed to inform the court in writing on or before 2/6/14, whether they believe the two arguments should be consolidated, how they propse to allot their time, and whether they are willing to cede any oral argument time to intervenors-co-appellants.

OCCD SC 01-15-2014 Motion for Miscellaneous Relief
Filed By: Brian McGrath
Submit Date: 1-15-2014
Decision: (G) Grant
Decision Date: 1-15-2014

ORD that the motion is granted and James R. Troupis and Sarah E. Troupis of Troupis Law Office LLC, and Michael T. Morley, are substituted as counsel for intervenors-co-appellants.
Comment: Intervenors-Co-Appellants' Motion for Substitution of Counsel

| | | |
|---------|------------|--------------------------------------|
| OCCD SC | 01-06-2014 | Briefs Received At State Law Library |
|---------|------------|--------------------------------------|

| | | |
|---------|------------|---|
| OCCD SC | 12-13-2013 | Brief of Amicus Curiae Brief of Amicus Curiae Disability Rights Wisconsin Filed By: Kristin Kerschensteiner Comment: Disability Rights Wisconsin |
|---------|------------|---|

| | | |
|---------|------------|--|
| OCCD SC | 12-12-2013 | Attorney Change Comment: Removed AAG Thomas C. Bellavia from service list per filing of Notice of Withdrawal of Counsel |
|---------|------------|--|

| | | |
|---------|------------|--|
| OCCD SC | 12-11-2013 | Response Comment: Per 11/291/3 CTO - 10 copies of non-party briefs from AARP (received) and Disability Rights WI (to file amended brief per 12/11/13 cto) |
|---------|------------|--|

| | | |
|---------|------------|---|
| OCCD SC | 12-10-2013 | Motion to File Amicus/Non-Party Brief Filed By: Kristin Kerschensteiner Submit Date: 12-11-2013 Decision: (G) Grant Decision Date: 12-11-2013 ORD that the motion is granted and the amended non-party brief will be accepted for filing upon 12 additional copies of the amended non-party brief being filed with the clerk of this court on or before 12/17/13. FRO that to the extent not already accomplished, Disability Rights Wisconsin shall electronically submit their amended non-party brief for filing on or before 12/17/13. Comment: Motion for leave to file amended non-party brief [Disibility Rights Wisconsin] |
|---------|------------|---|

| | | |
|---------|------------|--|
| OCCD SC | 12-10-2013 | Motion for Miscellaneous Relief Filed By: Joseph Olson Submit Date: 12-10-2013 Decision: (G) Grant Decision Date: 12-10-2013 ORD that the motion is granted and Richard Esenberg, Brian McGrath, Michael Fischer, CJ Szafir and Thomas C. Kamenick of he Wisconsin Institute for Law & Liberty are substituted as counsel for intervenors-co-appellants. Comment: Motion for substitution of counsel on behalf of the intervenors-co-appellants Doris Janis, James Janis and Matthew Augustine |
|---------|------------|--|

| | | |
|---------|------------|---|
| OCCD SC | 12-05-2013 | Response Comment: 17 copies of CA briefs for SC use received 12/5/13 |
|---------|------------|---|

| | | |
|---------|------------|------------------------|
| OCCD SC | 12-04-2013 | Assigned-Oral Argument |
|---------|------------|------------------------|

| | | |
|---------|------------|---------------------------------------|
| OCCD SC | 11-26-2013 | Motion to File Amicus/Non-Party Brief |
|---------|------------|---------------------------------------|

Filed By: Rebecca Mason

Submit Date: 11-27-2013

Decision: (G) Grant

Decision Date: 11-29-2013

ORD that the motion is granted and the brief filed in the court of appeals is accepted for filing.

FRO that the amici, AARP and Disability Rights Wisconsin, are directed to file 10 copies of their non-party briefs that were filed in the court of appeals with the clerk of this court on or before December 10, 2013.

Comment: Institute for One Wisconsin, Inc.

| | | |
|---------|------------|--------------------------------|
| OCCD SC | 11-20-2013 | Court Changed to Supreme Court |
|---------|------------|--------------------------------|

| | | |
|---------|------------|------------------|
| OCCD CA | 11-20-2013 | Opinion/Decision |
|---------|------------|------------------|

Opinion: Court Order

Decision: Bypass Granted By Sup.ct. Pages: 0

Order Text: See 11/20/13 Supreme Court order.

| | | |
|---------|------------|-------------|
| OCCD SC | 11-20-2013 | Court Order |
|---------|------------|-------------|

IT IS ORDERED that this court takes jurisdiction of Milwaukee Branch of the NAACP v. Scott Walker, No. 2012AP1652. The parties shall not file briefs unless directed by the court; and No. 2012AP1652 Milwaukee Branch of the NAACP v. Scott Walker L.C.#2011CV5492.

IT IS FURTHER ORDERED that within 15 days of the date of this order each party shall provide the clerk of this court with 17 copies of the briefs filed by that party in the court of appeals; and

IT IS FURTHER ORDERED that this case be scheduled for oral argument on the same calendar assignment as No. 2012AP584-AC, League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker.

| | | |
|---------|------------|-----------------------|
| OCCD CA | 11-19-2013 | Letter/Correspondence |
|---------|------------|-----------------------|

Comment: from AAG Kawski; requesting the record be returned to Madison for AG review; advised record will not be returned to Madison, can be reviewed in Waukesha

| | | |
|---------|------------|------------------------|
| OCCD CA | 10-03-2013 | Assigned-Oral Argument |
|---------|------------|------------------------|

| | | |
|---------|------------|--------------------------------------|
| OCCD CA | 02-07-2013 | Briefs Received At State Law Library |
|---------|------------|--------------------------------------|

| | | |
|---------|------------|--------------------------------------|
| OCCD CA | 01-16-2013 | Record and Briefs Sent to District 2 |
|---------|------------|--------------------------------------|

| | | |
|---------|------------|-------------|
| OCCD CA | 01-14-2013 | Hold Status |
|---------|------------|-------------|

| | | |
|---------|------------|--|
| OCCD CA | 01-14-2013 | Reply Brief Reply Brief |
|---------|------------|--|

Filed By: Thomas Bellavia

Comment: Appellants. Received 17 additional copies of BRY for SC use, 12-05-13

| | | |
|---------|------------|--------------------------------|
| OCCD CA | 12-21-2012 | Motion for Pro Hac Vice status |
|---------|------------|--------------------------------|

Filed By: Joseph Olson

Submit Date: 12-21-2012

Decision: (G) Grant
Decision Date: 1-14-2013
ORD that Attorney Michael T. Morley may appear pro hac vice as co-counsel for the intervenors-co-appellants.
Comment: Michael T. Morley on behalf of Intervenors-Co-Appellants

OCCD CA 12-07-2012 Motion to Extend Pages In Brief
Filed By: Thomas Bellavia
Submit Date: 12-10-2012
Decision: (G) Grant
Decision Date: 1-14-2013
ORD that the motion to enlarge the length of the appellants' reply brief is granted.
FRO that the appellants' reply brief received on 12/7/12, is accepted for filing.

OCCD CA 12-04-2012 Additional Authorities
Comment: filed by Intervenors-Appellants; placed with briefs for distribution to court

OCCD CA 11-27-2012 Brief of Amicus Curiae
[Brief of Amicus Curiae Institute for One Wisconsin, Inc.](#)
Filed By: Rebecca Mason
Comment: Institute for One Wisconsin, Inc. 11/29/13 - 10 copies of CA brief for SC use Appx to Brief of Amicus Curiae-Institute for One Wisconsin, Inc.

OCCD CA 11-27-2012 Brief of Amicus Curiae
[Brief of Amicus Curiae Disability Rights Wisconsin](#)
Filed By: Jennifer Lohr
Comment: Disability Rights Wisconsin; Note that the appeal number has been corrected on all briefs. Please use this number on all future correspondence.

OCCD CA 11-21-2012 E-Filing Certification
Comment: AARP

OCCD CA 11-21-2012 Brief of Amicus Curiae
[Brief of Amicus Curiae AARP](#)
Filed By: Helen Dicks
Comment: AARP. Please note that the certification pursuant to Rule 809.19(12)(f) has been added to this brief; Received 10 copies of BAM for SC use. PS 12-9-13

OCCD CA 11-21-2012 Reply Brief
[Reply Brief of Intervenors-Appellants](#)
Filed By: Joseph Olson
Comment: Intervenors-Appellants, Received 17 additional copies of BRY for SC use, 11-27-13

OCCD CA 11-21-2012 Certificate of Service
Comment: BRY

| | | |
|--|------------|---------------------------------------|
| OCCD CA | 11-19-2012 | Motion to File Amicus/Non-Party Brief |
| <p>Filed By: Jennifer Lohr Submit Date: 11-20-2012 Decision: (G) Grant Decision Date: 11-27-2012 ORD that the motion for leave to file an amicus curiae brief is granted. The amicus curiae brief, which has already been submitted to this court, shall be accepted for filing. Comment: Disability Rights Wisconsin</p> | | |
| OCCD CA | 11-19-2012 | Motion to File Amicus/Non-Party Brief |
| <p>Filed By: Rebecca Mason Submit Date: 11-20-2012 Decision: (G) Grant Decision Date: 11-27-2012 ORD that the motion for leave to file an amicus curiae brief is granted. The amicus curiae brief, which has already been submitted to this court, shall be accepted for filing. Comment: Institute for One Wisconsin, Inc.</p> | | |
| OCCD CA | 11-16-2012 | Motion for Pro Hac Vice status |
| <p>Filed By: Helen Dicks Submit Date: 11-16-2012 Decision: (G) Grant Decision Date: 11-21-2012 ORD that the motion for leave to file an amicus brief is granted. The amicus curiae brief, which has already been submitted to this court, shall be accepted for filing. FRO that the request to admit Attorney Daniel B. Kahrman pro hac vice is granted. Attorney Kahrman may appear in this court as counsel for AARP and participate in this appeal in association with Attorney Helen Mark Dicks, an active member of the State Bar of Wisconsin. See SCR 10.03(4)(b).</p> | | |
| OCCD CA | 11-16-2012 | Motion to Extend Time |
| <p>Filed By: Thomas Bellavia Submit Date: 11-19-2012 Decision: (G) Grant Decision Date: 11-21-2012 ORD that the time for the appellants to file their reply brief is extended to 12/7/12. See Wis. Stat. Rule 809.82(2)(a). See BRY event filed on 11-21-2012</p> | | |
| OCCD CA | 11-16-2012 | Motion to File Amicus/Non-Party Brief |
| <p>Filed By: Helen Dicks Submit Date: 11-16-2012 Decision: (G) Grant Decision Date: 11-21-2012 ORD that the motion for leave to file an amicus brief is granted. The amicus curiae brief, which has already been submitted to this court, shall be accepted for filing. FRO that the request to admit Attorney Daniel B. Kahrman pro hac vice is granted. Attorney Kahrman may appear in this court as counsel for AARP and participate in this appeal in association with Attorney Helen Mark Dicks, an active member of the State Bar of Wisconsin. See SCR 10.03(4)(b). Comment: AARP</p> | | |

OCCD SC 11-07-2012

Petition to Bypass

Filed By: Maria Lazar

Submit Date: 11-21-2012

Decision: (D) Deny

Decision Date: 1-14-2013

IT IS ORDERED the petition to bypass is denied, without costs.

IT IS FURTHER ORDERED that the motion for consolidation is denied.

Motion Response

Filed By: Richard Saks

Submit Date: 11-21-2012

Comment: & Motion for Consolidation

OCCD CA 11-05-2012

Brief of Respondent(s)

[Brief of Respondents](#)

Filed By: Richard Saks

Comment: Note that the caption has been corrected on this brief. Please use the above caption on all future briefs; Received 17 copies of BRS for SC use, PS 11-26-13

OCCD CA 10-10-2012

E-Filing Certification

Comment: For BAP filed 10/10/12

OCCD CA 10-10-2012

Brief & Appx of Appellant(s)

[Brief of Intervenors-Co-Appellants](#)

Filed By: Joseph Olson

Comment: Intervenors-Co-Appellants Note that the brief color has been corrected on this intervenor-appellant's brief. Please see Rule 809.19(9) regarding requirements. Received separate e-certification for brief filed on 10/10/12; Received 17 copies of BAP for SC use, 11-27-13

OCCD CA 10-01-2012

Attorney Change

Comment: per letter from AAG Thomas Bellavia advising AAG Benedon is no longer an AAG; please remove from service list

OCCD CA 09-27-2012

Hold Status

OCCD CA 09-19-2012

Motion to Intervene

Filed By: Joseph Olson

Submit Date: 10-2-2012

Decision: (G) Grant

Decision Date: 10-5-2012

ORD that the motion for permissive intervention as co-appellants is granted and we accept the submitted brief for filing as of this date. The co-appellants shall file five additional copies of their brief within five days. The respondents shall file their brief within thirty days of this order.

Motion Response

Filed By: Aaron Halstead

Submit Date: 10-2-2012

Comment: Dorothy Janis, James Janis, and Matthew Augustine

OCCD CA 09-13-2012

Brief & Appx of Appellant(s)

Brief of Appellant

Filed By: Thomas Bellavia

Comment: Received 17 additional copies of BAP for SC use, 12-05-13

OCCD SC 09-10-2012

Motion to File Amicus/Non-Party Brief

Filed By: Richard Esenberg

Submit Date: 9-11-2012

Decision: (G) Grant

Decision Date: 9-27-2012

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order (Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Comment: of Margaret Farrow, George Mitchell, Mike Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson, in support of petition to bypass and for consolidation

OCCD SC 08-21-2012

Motion for Stay

Filed By: Clayton Kawski

Submit Date: 8-21-2012

Decision: (M) Dismiss

Decision Date: 9-27-2012

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order (Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Motion Response

Filed By: Richard Saks

Submit Date: 9-4-2012

Comment: Motion to Stay Permanent Injunction

OCCD SC 08-21-2012

Petition to Bypass

Filed By: Clayton Kawski

Submit Date: 8-21-2012

Decision: (M) Dismiss

Decision Date: 9-27-2012

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order

(Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Motion Response

Filed By: Richard Saks

Submit Date: 9-4-2012

Comment: & motion for consolidation [w/12AP584]

| | | |
|---------|--|---|
| OCCD CA | 08-20-2012 | Record |
| | Comment: 1-4 to 97-105, TWO Separate Boxes | |
| OCCD CA | 07-31-2012 | Case to proceed under RAP |
| OCCD CA | 07-26-2012 | Docketing Statement Submitted |
| OCCD CA | 07-26-2012 | Notif. Sent-Filing of NAP & Ct. Record |
| OCCD CA | 07-26-2012 | Transfer to District II |
| OCCD CA | 07-26-2012 | Transfer District Designation |
| OCCD CA | 07-26-2012 | Fee Waived |
| | Comment: State | |
| OCCD CA | 07-26-2012 | Notice of Appeal & Circuit Court Docket Entries |
| OCCD CA | 07-25-2012 | Statement on Transcript |
| | Filed By: Thomas Bellavia | |
| | Status: Prev. Filed | |
| OCCD CA | 07-23-2012 | Notice of Appeal filed in Cir. Ct. |
| OCCD CA | 07-23-2012 | Docketing Statement from Appellant |
| OCCD CA | 07-17-2012 | Order of Circuit Court |