

# Wisconsin Supreme Court and Court of Appeals Case Access

**Petitioner v. Brian Aish**

**Appeal Number 2020AP001775**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
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PEND	SC		07-29-2024	Remittitur
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OCCD	SC	06-27-2024		<a href="#">Opinion/Decision</a>
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Judge Panel: Ziegler, Bradley, Bradley, Dallet, Hagedorn, Karofsky, Protasiewicz

Opinion: Opinion

Decision: Reversed and remanded Pages: 14

Bradley, Rebecca Grassl Wrote Concurring Opinion 30 pages.

Ziegler, Annette K. Joined Concurring Opinion

Order Text: By the Court. The decision of the court of appeals is reversed, and the cause is remanded to the circuit court for further proceedings consistent with this opinion.

Comment: Opinion/Decision

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OCCD	SC	06-26-2024		Public Domain Citation
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Comment: PDC No: 2024 WI 27

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OCCD	SC	04-22-2024		Response to Additional/Supplemental Authorities
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OCCD	SC	04-11-2024		Additional Authorities
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Comment: filed by Atty Diane Welsh

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OCCD	SC	03-19-2024		Oral Argument
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Comment: 11:00 a.m. (State Capitol SC Hearing Room) Atty Joan Mannix for Brian Aish, and Atty Diane Welsh for Nancy Kindschy

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OCCD	SC	03-11-2024		Other Brief <a href="#">Supplemental Reply Brief of Nancy Kindschy</a>
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Filed By: Diane Welsh

Comment: Supplemental Reply Brief of Nancy Kindschy

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OCCD	SC	03-07-2024		Other Brief <a href="#">Supplemental Reply Brief of Brian Aish</a>
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Filed By: Joan Mannix

Comment: Supplemental Reply Brief of Brian Aish

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OCCD SC 02-29-2024 Notice of Appearance  
Comment: Notice of Appearance/Substitution of Counsel filed by DOJ

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OCCD SC 02-29-2024 Brief of Amicus Curiae/Non-Party  
[Brief of Amicus Curiae \(End Domestic Abuse Wisconsin\)](#)  
Filed By: Andrew Dufresne  
Comment: End Domestic Abuse Wisconsin

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024  
IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER ORDERED that the pro hac vice motions are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, can be found at the following link: <https://www.wicourts.gov/sc/rules/chap10.pdf>. A copy of SCR 10.03(4) is also attached to the newly admitted pro hac vice attorneys' copies of this order.  
Comment: re: Evelyn Pang

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024  
IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER ORDERED that the pro hac vice motions are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, can be found at the following link: <https://www.wicourts.gov/sc/rules/chap10.pdf>. A copy of SCR 10.03(4) is also attached to the newly admitted pro hac vice attorneys' copies of this order.  
Comment: re: Arthur S. Greenspan

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024  
IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER ORDERED that the pro hac vice motions are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, can be found at the following link: <https://www.wicourts.gov/sc/rules/chap10.pdf>. A copy of SCR 10.03(4) is also attached to the newly admitted pro hac vice attorneys' copies of this order.  
Comment: re: Kathleen Wills

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OCCD SC 02-26-2024 Motion to File Amicus/Non-Party Brief  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant

Decision Date: 2-29-2024

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and

IT IS FURTHER ORDERED that the pro hac vice motions are granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, can be found at the following link:

<https://www.wicourts.gov/sc/rules/chap10.pdf>. A copy of SCR 10.03(4) is also attached to the newly admitted pro hac vice attorneys' copies of this order.

Comment: re: End Domestic Abuse Wisconsin

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OCCD SC 02-26-2024

Other Brief

[Supplemental Brief of Amicus Curiae \(DOJ\)](#)

Filed By: Thomas Bellavia

Comment: Supplemental Brief of Amicus Curiae (DOJ)

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OCCD SC 02-26-2024

Other Brief

[Supplemental Brief of Nancy Kindschy](#)

Filed By: Diane Welsh

Comment: Supplemental Brief of Nancy Kindschy

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OCCD SC 02-26-2024

Other Brief

[Second Supplemental Brief of Brian Aish](#)

Filed By: Dudley Williams

Comment: Supplemental Brief of Brian Aish

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OCCD SC 02-15-2024

Fee Paid

Comment: Receipt No: 24R 000386

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OCCD SC 02-05-2024

Order

IT IS ORDERED that respondent-appellant-petitioner, Brian Aish, and petitioner-respondent, Nancy Kindschy, shall file simultaneous supplemental briefs within 20 days of the date of this order, addressing the three issues stated in this order.

The supplemental briefs shall be no longer than 30 pages if a monospaced font is used or 6,750 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that each party may file a reply to the supplemental brief of the opposing party within 10 days after the opposing party's supplemental brief is filed. A reply to a supplemental brief shall be no longer than 13 pages if a monospaced font is used or 3,000 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that the Department of Justice may file a supplemental nonparty brief addressing the issues listed above. The Department's nonparty brief shall be filed within 20 days of the date of this order, shall be limited to addressing the issues set forth above and shall comply with the length limitations imposed above on the parties' supplemental briefs. Because the Department is not a party to this case, it may not file a reply to the parties' supplemental briefs; and

IT IS FURTHER ORDERED that a supplemental oral argument on the issues identified in this order shall occur as the second case on March 19, 2024 (approximately 11:00 a.m.).

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OCCD SC 02-01-2024

Attorney Change

Comment: Notice of Withdrawal of Attorney Leslie A. Freehill

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OCCD SC 08-31-2023

Other Brief

[Supplemental Reply Brief of Nancy Kindschy](#)

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OCCD SC 08-31-2023 Notice of Appearance

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OCCD SC 08-28-2023 Other Brief  
[Supplemental Reply Brief of Brian Aish](#)

Filed By: Dudley Williams  
Comment: Supplemental Reply Brief of Brian Aish

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OCCD SC 08-17-2023 Brief of Amicus Curiae/Non-Party  
[Brief of Amicus Curiae \(Wisconsin Department of Justice\)](#)

Filed By: Thomas Bellavia  
Comment: Department of Justice

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OCCD SC 08-17-2023 Other Brief  
[Supplemental Brief of Nancy Kindschy](#)

Filed By: Diane Welsh  
Comment: Supplemental Brief of Nancy Kindschy

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OCCD SC 08-17-2023 Other Brief  
[Supplemental Brief of Brian Aish](#)

Filed By: Dudley Williams  
Comment: Supplemental Brief of Brian Aish

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OCCD SC 08-10-2023 Fee Paid

Comment: Receipt No: 23R 001938

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OCCD SC 07-28-2023 Hold Status

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OCCD SC 03-15-2023 Sua Sponte

Filed By: Supreme Court Supreme Court

Submit Date: 3-16-2023

Decision: (O) Other

Decision Date: 7-28-2023

IT IS ORDERED that respondent-appellant-petitioner, Brian Aish, and petitioner-respondent, Nancy Kindschy, shall file simultaneous supplemental briefs within 20 days of the date of this order, discussing: (1) the impact of the Counterman decision, if any, on the issues raised in this case; and (2) the impact of the Counterman decision, if any, on the relief sought by each party. The briefs shall be no longer than 20 pages if a monospaced font is used or 4,500 words if a proportional serif font is used; and, IT IS FURTHER ORDERED that each party may file a reply to the supplemental brief of the opposing party within 10 days after the opposing party's supplemental brief is filed. A reply to a supplemental brief shall be no longer than 10 pages if a monospaced font is used or 2,250 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that the Department of Justice's March 15, 2023 letter is construed to be a motion for leave to file a nonparty brief amicus curiae regarding the impact of the decision in Counterman; and,

IT IS FURTHER ORDERED that the motion of the Department of Justice is granted. The Department's nonparty brief shall be filed within 20 days of the date of this order, shall be limited to addressing

the impact of the Counterman decision, as specified above, and shall comply with the length limitations imposed above on the parties supplemental briefs. Because the Department is not a party to this case, it may not file a reply to the parties' supplemental briefs.

JILL J. KAROFKY, J. concurs.

REBECCA FRANK DALLEY joins concurrence.

ANNETTE KINGSLAND ZIEGLER, C.J., dissents.

PATIENCE DRAKE ROGGENSACK joins dissent.

REBECCA GRASSL BRADLEY dissents.

Comment: Letter from AAG Bellavia re: interest in filing non-party brief

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OCCD	SC	02-03-2023	Order
IT IS ORDERED that the cause shall be held in abeyance pending the United States Supreme Court's disposition of Counterman; and, IT IS FURTHER ORDERED that, if the court determines that additional briefing will assist the court, it will request additional briefing.			

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OCCD	SC	12-01-2022	Oral Argument
Comment: 2nd case, 9:45 a.m. (State Capitol SC Hearing Room): Joan M. Mannix Appearing Pro-Hac Vice for Respondent-Appellant-Petitioner, Introduced by Dudley A. Williams. Leslie Anne Freehill for Petitioner-Respondent.			

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OCCD	SC	11-28-2022	Response Brief-Supreme Court <a href="#">Substitute Response Brief-Supreme Court</a>
Filed By: Diane Welsh			

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OCCD	SC	10-20-2022	Assigned for Oral Argument
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OCCD	SC	09-21-2022	Other Papers
Comment: Rec'd returned mail for Atty Dudley Williams (9/16/22 cto); resent same day to recently updated address.			

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OCCD	SC	09-16-2022	Reply Brief-Supreme Court <a href="#">Reply Brief-Supreme Court</a>
Filed By: Dudley Williams			

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OCCD	SC	09-12-2022	Motion to Extend Time
Filed By: Dudley Williams Submit Date: 9-14-2022 Decision: (G) Grant Decision Date: 9-16-2022 IT IS ORDERED that the motion is granted. Respondent-appellant-petitioner's response shall be served and filed on or before September 16, 2022. See BR3 event due on 9-16-2022			

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OCCD	SC	08-29-2022	Response Brief-Supreme Court
Filed By: Diane Welsh			

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OCCD	SC	08-24-2022	Other Papers
Comment: Rec'd returned mail for Richard Schaumberg (8/17/22 cto); mailing initially sent to PO Box, resent to recently updated physical address same day.			
OCCD	SC	08-23-2022	Other Papers
Comment: Rec'd returned mail for Dudley Williams (8/17/22 cto) marked by USPS "RTS - fwd time exp" new address listed on return label. Mailing resent same day to updated address.			
OCCD	SC	08-17-2022	Attorney Change
Comment: Notice of Withdrawal of Atty Beauregard W. Patterson			
OCCD	SC	08-15-2022	Motion to Extend Time
Filed By: Diane Welsh Submit Date: 8-16-2022 Decision: (G) Grant Decision Date: 8-17-2022 IT IS ORDERED that the motion is granted. Ms. Kindschy's response brief shall be served and filed on or before August 29, 2022. See BR2 event due on 8-29-2022			
OCCD	SC	07-29-2022	First Brief-Supreme Court <a href="#">First Brief - Supreme Court</a>
Filed By: Dudley Williams			
OCCD	SC	07-27-2022	Other Papers
Comment: Rec'd returned mail for Atty Schaumberg (7/21/22 cto, sent to previously expired PO Box in Osseo - ???); mailing resent to updated address same day.			
OCCD	SC	07-19-2022	Motion to Extend Time
Filed By: Dudley Williams Submit Date: 7-20-2022 Decision: (G) Grant Decision Date: 7-21-2022 IT IS ORDERED that the motion is granted. Mr. Aish's first brief shall be served and filed on or before July 29, 2022. See BR1 event due on 7-29-2022			
OCCD	SC	07-05-2022	Other Papers
Comment: Joan M. Mannix Returned Mail (6/22/22 CTO) - marked by USPS: "RTS - insufficient address, unable to forward"; Re-mailed to updated address with ste. number 7/7/22			
OCCD	SC	06-28-2022	Other Papers
Comment: Returned Mail - 6/22/22 CTO to Atty. Schaumberg - Re-sent same day			
OCCD	SC	06-22-2022	Caption Amended
OCCD	SC	06-22-2022	Court Changed to Supreme Court

OCCD	CA	05-10-2022	Final Publication
OCCD	CA	04-28-2022 401 Wis. 2d 406	Published Opinion Citation
OCCD	CA	04-28-2022 973 N.W.2d 828	Published Opinion Citation
OCCD	CA	04-28-2022	Opinion Ordered Published
OCCD	CA	04-28-2022 Comment: PDC No: 2022 WI App 17	Public Domain Citation
OCCD	SC	04-18-2022	Notice of Appearance
OCCD	SC	04-11-2022 Comment: Receipt No: 22R 000803	Fee Paid
OCCD	SC	04-07-2022	Petition for Review <a href="#">Response to Petition for Review</a> <a href="#">Petition for Review</a>
<p>Filed By: Dudley Williams  Submit Date: 4-25-2022  Decision: (G) Grant  Decision Date: 6-22-2022  IT IS ORDERED that the petition for review is granted.  Motion Response  Filed By: Diane Welsh  Submit Date: 4-25-2022  Comment: Petition includes incorrect e-certification (quotes pilot project language), corrected e-cert w/original signature (plus 9 photocopies) will be sent immediately per call to counsel, filing fee paid online; corrected certifications rec'd 4/11/22</p>			
OCCD	CA	03-08-2022	<a href="#">Opinion/Decision</a>
<p>Judge Panel: Stark, Hruz, Gill  Opinion: Opinion  Decision: Affirmed Pages: 12  Written by: Gill, Gregory B. Jr.  Order Text: Order affirmed</p>			
OCCD	CA	02-22-2022	Decision Withdrawn/Vacated
OCCD	CA	02-22-2022	Order
<p>IT IS ORDERED that the opinion of January 25, 2022 is withdrawn. A revised opinion will be forthcoming.</p>			

OCCD CA	01-25-2022	<a href="#">Opinion/Decision</a>
Judge Panel: Stark, Hruz, Gill Opinion: Opinion Decision: Affirmed Pages: 12 Written by: Gill, Gregory B. Jr. Order Text: Order affirmed		
OCCD CA	10-12-2021	Submitted on Briefs
OCCD CA	07-27-2021	Record and Briefs Sent to District 3
OCCD CA	07-26-2021	Reply Brief <a href="#">Respondent-Appellant's Reply Brief (corrected)</a> Filed By: Dudley Williams
OCCD CA	07-13-2021	Motion to Extend Time Filed By: Dudley Williams Submit Date: 7-13-2021 Decision: (G) Grant Decision Date: 7-15-2021 IT IS ORDERED that the time for the appellant to file the reply brief is extended to five business days from the date of this order. See BRY event due on 7-14-2021
OCCD CA	06-29-2021	Brief of Respondent(s) <a href="#">Brief of Petitioner-Respondent</a> Filed By: Diane Welsh
OCCD CA	05-28-2021	Motion to Extend Time Filed By: Diane Welsh Submit Date: 5-28-2021 Decision: (G) Grant Decision Date: 6-1-2021 IT IS ORDERED that the time to file the respondent's brief is extended to June 29, 2021. See BRS event due on 6-29-2021
OCCD CA	05-19-2021	Notice of Appearance
OCCD CA	04-29-2021	Brief & Appendix of Appellant(s) <a href="#">Respondent-Appellant's Brief</a> Filed By: Dudley Williams
OCCD CA	04-26-2021	Motion to Extend Time Filed By: Dudley Williams Submit Date: 4-27-2021 Decision: (G) Grant Decision Date: 4-28-2021 IT IS ORDERED that the appellant's brief and appendix shall be deemed timely if filed within one day of



the date of this order.  
See BAP event due on 4-26-2021  
Comment: 4th request

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OCCD CA 04-13-2021 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 4-13-2021  
Decision: (G) Grant  
Decision Date: 4-15-2021  
IT IS ORDERED that the time to file the appellant's brief and appendix is extended to April 26, 2021.  
See BAP event due on 4-26-2021  
Comment: 3rd request

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OCCD CA 04-06-2021 Other Papers  
Comment: Copy of 3/4/21 order e-filed by Atty Mannix

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OCCD CA 03-16-2021 Other Papers  
Comment: 3/16/21 rec'd returned mail for Atty Joan Mannix (3/4/21 cto) marked by USPS "RTS - insufficient address"; address is same that was used in all previous mailings w/out issue, assumed returned mail was in error by USPS, 2nd mailing attempt made 3/17/21.

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OCCD CA 03-04-2021 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 3-4-2021  
Decision: (G) Grant  
Decision Date: 3-8-2021  
IT IS ORDERED that the time to file the appellant's initial brief and appendix in this matter is extended to April 12, 2021.  
See BAP event due on 4-12-2021  
Comment: 2nd request

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OCCD CA 03-02-2021 Motion for Pro Hac Vice Admission  
Filed By: Dudley Williams  
Submit Date: 3-3-2021  
Decision: (G) Grant  
Decision Date: 3-4-2021  
IT IS ORDERED that Attorney Joan Mannix may appear pro hac vice as co-counsel for Brian Aish.

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OCCD CA 01-28-2021 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 2-2-2021  
Decision: (G) Grant  
Decision Date: 2-2-2021  
IT IS ORDERED that the time for the appellant to file his appellant's brief is extended to March 4, 2021.  
See WIS. STAT. RULE 809.82(2)(a).  
See BAP event due on 3-4-2021

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OCCD CA 01-19-2021 Other Papers  
Comment: Application for PHV Admission re: Joan Mannix

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OCCD CA	01-05-2021	Motion to Correct/Supplement Record
Filed By: Dudley Williams Submit Date: 1-5-2021 Decision: (D) Deny Decision Date: 1-15-2021 IT IS ORDERED that the motion to supplement the record is denied as unnecessary. The appellant's brief shall be due January 29, 2021.		
OCCD CA	12-09-2020	Non-Electronic Record Item
OCCD SC	12-03-2020	Sealed Documents
OCCD CA	12-03-2020	Record
Comment: 1-5 to 37-1, ELECTRONICALLY FILED		
OCCD CA	11-16-2020	Other Papers
Comment: Notice for Inspection of Record		
OCCD CA	11-13-2020	Fee Paid
Comment: Receipt No: 20R 002251		
OCCD CA	11-12-2020	Statement on Transcript
Filed By: Dudley Williams Status: Prev. Filed Comment: 11/9/20 rec'd defective SRT from Atty Williams (has box 2 checked on form indicating all transcripts are on file, yet includes CR certification); sample form and letter sent 11/11/20, new due date is 11/25/20		
OCCD CA	11-03-2020	Notice of Appearance
Comment: Filed by Attys Dumas & Welsh on behalf of Nancy Kindschy		
OCCD CA	10-26-2020	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	10-26-2020	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	10-26-2020	Docketing Statement from Appellant
OCCD CA	10-22-2020	Notice of Appeal filed in Circuit Court
OCCD CA	09-09-2020	Order of Circuit Court