

# Wisconsin Supreme Court and Court of Appeals Case Access

**Clean Wisconsin, Inc. v. DNR**

**Appeal Number 2016AP001688**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	10-24-2023		Fee Paid Comment: Receipt No: 23R 002603
OCCD	SC	08-10-2021		Remittitur Comment: NRI sent by UPS
OCCD	SC	07-08-2021		Cites 398 Wis. 2d 386
OCCD	SC	07-08-2021		Cites 961 N.W.2d 346
OCCD	SC	07-08-2021		<a href="#">Opinion/Decision</a> Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky Opinion: Opinion Decision: Affirmed Pages: 25 Written by: Karofsky, Jill Dallet, Rebecca F. Wrote Concurring Opinion 3 pages. Bradley, Ann Walsh Joined Concurring Opinion Karofsky, Jill Joined Concurring Opinion Roggensack, Patience Drake Wrote Dissenting Opinion 16 pages. Bradley, Rebecca Grassl Joined Dissenting Opinion Bradley, Rebecca Grassl Wrote Dissenting Opinion 6 pages. Hagedorn, Brian K. Took No Part Order Text: The order of the circuit court is affirmed.
OCCD	SC	07-07-2021		Public Domain Citation Comment: PDC No: 2021 WI 71
OCCD	SC	05-21-2021		Letter/Correspondence Comment: Filed by Attorney Ruhland; Letter Confirming Substitution of Counsel

OCCD	SC	05-21-2021	Attorney Change
Comment: Attorney Ruhland substituted for Attorney Fassbender per letter filed 05-20-2021 and 05-21-2021			
OCCD	SC	05-20-2021	Letter/Correspondence
Comment: Filed by Attorney Fassbender; advising he will no longer be counsel on this appeal and another attorney will be filing a notice of appearance.			
OCCD	SC	04-12-2021	Oral Argument
Comment: 1st case, 9:45 a.m. (to be conducted via video/audio conferencing) Jordan J. Hemaidan for Intervenor-Co-Appellant Eric M. McLeod for Intervenor Andrea Gelatt for Petitioners-Respondents Jennifer L. Vandermeuse for Respondent-Appellant			
OCCD	SC	04-08-2021	Briefs Received At State Law Library
OCCD	SC	03-26-2021	Attorney Change
Comment: Attorney Ruhland withdrawn per email from Attorney McLeod			
OCCD	SC	03-25-2021	Certificate of Filing by Mail
Comment: Certificate of Mailing - Food & Water Watch (BAM)			
OCCD	SC	03-25-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae -- Food &amp; Water Watch, Family Farm Defenders, and Sustain Rural Wisconsin Network</a>
Filed By: Zachary Corrigan Comment: Food & Water Watch			
OCCD	SC	03-25-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae - Wisconsin Manufacturers &amp; Commerce</a>
Filed By: Robert Fassbender Comment: Wisconsin Manufacturers and Commerce			
OCCD	SC	03-25-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae - Wisconsin Environmental Health Network</a>
Filed By: John Greene Comment: Wisconsin Environmental Health Network			
OCCD	SC	03-24-2021	Motion to File Amicus/Non-Party Brief
Filed By: Robert Fassbender Submit Date: 3-25-2021 Decision: (G) Grant Decision Date: 3-25-2021 ORD that the motions of WEHN and WMC amici are granted. Their briefs filed March 24, 2021, are accepted as filed. FRO that the motion of Food & Water Watch amici is granted. The brief must be properly filed with the clerk of this court by March 26, 2021. No extensions will be granted. BRIAN HAGEDORN, J., did not participate. Comment: Wisconsin Manufacturers and Commerce			

OCCD	SC	03-24-2021	Motion to File Amicus/Non-Party Brief
<p>Filed By: John Greene  Submit Date: 3-25-2021  Decision: (G) Grant  Decision Date: 3-25-2021  ORD that the motions of WEHN and WMC amici are granted. Their briefs filed March 24, 2021, are accepted as filed.  FRO that the motion of Food &amp; Water Watch amici is granted. The brief must be properly filed with the clerk of this court by March 26, 2021. No extensions will be granted.  BRIAN HAGEDORN, J., did not participate.  Comment: Wisconsin Environmental Health Network</p>			
OCCD	SC	03-24-2021	Motion to File Amicus/Non-Party Brief
<p>Filed By: Zachary Corrigan  Submit Date: 3-25-2021  Decision: (G) Grant  Decision Date: 3-25-2021  ORD that the motions of WEHN and WMC amici are granted. Their briefs filed March 24, 2021, are accepted as filed.  FRO that the motion of Food &amp; Water Watch amici is granted. The brief must be properly filed with the clerk of this court by March 26, 2021. No extensions will be granted.  BRIAN HAGEDORN, J., did not participate.  Comment: Food &amp; Water Watch, Family Farm Defenders, and Sustain Rural Wisconsin Network</p>			
OCCD	SC	03-24-2021	Reply Brief-Supreme Court <a href="#">Reply Brief - Wisconsin Legislature</a>
<p>Filed By: Kirsten Atanasoff  Comment: Wisconsin Legislature</p>			
OCCD	SC	03-24-2021	Reply Brief-Supreme Court <a href="#">Reply Brief - Kinnard Farms, Inc.</a>
<p>Comment: Kinnard Farms</p>			
OCCD	SC	03-15-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae - Ryan Owens</a>
<p>Filed By: Ryan Owens  Comment: Ryan J. Owens</p>			
OCCD	SC	03-10-2021	Response Brief-Supreme Court <a href="#">SC Response Brief - DNR</a>
<p>Filed By: Jennifer Vandermeuse  Comment: DNR</p>			
OCCD	SC	03-10-2021	Response Brief-Supreme Court <a href="#">SC Response Brief - Clean Wisconsin, Inc.</a>
<p>Filed By: Andrea Gelatt  Comment: Clean Wisconsin, Inc. and Amy Cochart, Chad Cochart, Lynda Cochart, Roger DeJardin, and Sandra Winnemueller. Separate appendix.</p>			

OCCD SC 03-05-2021 Response

Comment: 10/17 copies of CA briefs due.

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OCCD SC 03-01-2021 Other Papers

Comment: Filed by AAG Vandermeuse; Cover Letter Enlosing COA Briefs

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OCCD SC 02-18-2021 Briefs Received At State Law Library

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OCCD SC 02-18-2021 Notice of Appearance

Comment: Attorney Kirsten A. Atanasoff for Wisconsin Legislature

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OCCD SC 02-10-2021 Motion to Extend Time

Filed By: Jennifer Vandermeuse

Submit Date: 2-10-2021

Decision: (G) Grant

Decision Date: 2-16-2021

IT IS ORDERED that the motion is granted. All response briefs shall be served and filed on or before March 10, 2021.

BRIAN HAGEDORN, J., did not participate.

See BR2 event due on 3-10-2021

Comment: Motion to Extend Time to file BR2 for DNR; 02-10-2021 rcvd duplicate by mail; 02-12-2021 rcvd additional mailed copies.

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OCCD SC 02-04-2021 First Brief-Supreme Court

[First Brief-Supreme Court - Wisconsin Legislature](#)

Filed By: Eric McLeod

Comment: Wisconsin Legislature.

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OCCD SC 02-04-2021 First Brief-Supreme Court

[First Brief-Supreme Court - Kinnard Farms, Inc.'s](#)

Filed By: Jordan Hemaïdan

Comment: Kinnard Farms; separate appendix.

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OCCD SC 02-02-2021 Other Papers

Comment: Filed by Attorney Hemaïdan; Cover Letter Enlosing Copy of COA Briefs

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OCCD SC 02-01-2021 Notice of Appearance

Comment: Attorney Nancy Cruz as co-counsel for Kinnard Farms

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OCCD SC 01-28-2021 Assigned-Oral Argument

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OCCD SC 01-05-2021 Court Order

IT IS ORDERED that the motion is held in abeyance pending further order of the court.

BRIAN HAGEDORN, J., did not participate.

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OCCD SC 01-05-2021 Caption Amended

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OCCD SC	01-05-2021	Court Order
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ORD that within 30 days after the date of this order the intervenor-co-appellant, Kinnard Farms, and intervenor-co-appellant, Joint Committee on Legislative Organization on behalf of the Wisconsin Legislature, 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-appellant, Wisconsin Department of Natural Resources, and petitioners-respondents, Clean Wisconsin, et al., must each file either a response brief or a statement that no response brief will be filed; and that if a brief is filed by respondents, within 10 days of filing, the intervenors-co-appellants must each file either a reply brief or a statement that no reply brief will be filed; and

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 party 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; and

FRO that this appeal and appeal no. 2018AP59 shall be scheduled for oral argument on the same calendar assignment; and

FRO that the parties shall be notified of the date and time for oral argument in these appeals in due course.

BRIAN HAGEDORN, J., did not participate.

Comment: re: Briefing Schedule

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OCCD SC	01-05-2021	Hold Status
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OCCD SC	12-10-2020	Letter/Correspondence
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Comment: Filed by Attorney Lawless; Letter Advising of Updated Address

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OCCD SC	11-02-2020	Motion to File Amicus/Non-Party Brief
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Filed By: Ryan Owens  
Submit Date: 11-2-2020  
Decision: (G) Grant  
Decision Date: 3-15-2021  
ORD that the motion is granted. The brief filed November 2, 2020, is accepted as filed.  
BRIAN HAGEDORN, J., did not participate.

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OCCD SC	08-13-2020	Response
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Comment: Filed by Attorney Hemaïdan; Co-Appellant's Response to 07-28-2020 Order

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OCCD SC	08-12-2020	Response
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Comment: Filed by Attorney Feinauer; Respondent, Clean Wisconsin, Response to 07-28-2020 Order; response filed by mail and hand delivered

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OCCD SC	08-11-2020	Response
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Comment: Filed by Attorney McLeod; Wisconsin Legislature's Response to 07-28-2020 Order

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OCCD SC 08-11-2020

Response

Comment: Filed by AAG Johnson-Karp; Appellant's Response to 07-28-2020 Order

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OCCD SC 07-28-2020

Court Order

ORD that parties shall, within two weeks of the date of this order, file simultaneous letters/briefs discussing the status of the certified appeal and the impact of the decision in SEIU, Local 1 v. Vos, case nos. 2019AP614-LV and 2019AP622, if any, on the appeal and pending motion in the above-captioned case.

BRIAN K. HAGEDORN, J., did not participate.

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OCCD SC 10-04-2019

Attorney Change

Comment: Attorney Gelatt as co-counsel for respondents (Lynda Cochart, Amy Cochart, Roger DeJardin, Sandra Winnemueller, and Chad Cochart) per notice of appearance.

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OCCD SC 10-04-2019

Letter/Correspondence

Comment: Attorney Tressie Kamp & Robert D. Lee as counsel for (Clean Wisconsin) per notice of withdrawal.

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OCCD SC 09-06-2019

Attorney Change

Comment: Attorney Kamp withdrawn as representation for respondents (Lynda Cochart, Roger DeJardin, Sandra Winnemueller, and Chad Cochart) per notice of withdrawal.

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OCCD SC 09-06-2019

Court Order

ORD that the Wisconsin Legislature's motion to intervene shall be held in abeyance pending further order of this court.

BRIAN K. HAGEDORN, J., did not participate.

See MIN event filed on 4-25-2019

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OCCD SC 06-13-2019

Attorney Change

Comment: Attorney Lawless added as co-counsel for (The Wisconsin Legislature) per notice of appearance.

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OCCD SC 05-30-2019

Court Order

ORD that the Respondent-Appellant Wisconsin Department of Natural Resources' Notice of Partial Voluntary Dismissal is accepted. Case No. 2016AP1699 and Case No. 2016AP2502 are severed and Case No. 2016AP2502 is dismissed. See Wis. Stat. (Rule) 809.18; Wis. Sup. Ct. IOP III.L.4; FRO that on or before June 19, 2019, the parties and the Wisconsin Legislature shall file simultaneous legal memoranda, each not exceeding 6,000 words, that address the correct legal standard for the Wisconsin Legislature's motion to intervene and whether the Wisconsin Legislature meets that standard; FRO that, on or before July 9, 2019, the parties and the Wisconsin Legislature may file legal memoranda, each not exceeding 3,500 words, in response to the memoranda filed on June 19, 2019, by the opposing parties; FRO that, with respect to the merits of the pending appeal, the Respondent-Appellant Wisconsin Department of Natural Resources' motion to modify the briefing schedule is granted. When the stay imposed by this court is lifted, the Respondent-Appellant may file its opening brief on the same schedule as that of the Petitioners-Respondents, Clean Wisconsin et al.; and FRO that the Petitioners-Respondents' motion to strike the Wisconsin Legislator's memorandum in opposition to the Respondent-Appellant's motion to modify the briefing schedule is dismissed, as moot. See MIN event filed on 4-25-2019

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OCCD SC 05-30-2019 Unconsolidated  
Comment: [2016AP002502, 2016AP001688]

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OCCD SC 05-21-2019 Motion to Strike

Filed By: Tressie Kamp  
Submit Date: 5-21-2019  
Decision: (M) Dismiss  
Decision Date: 5-30-2019

ORD that the Respondent-Appellant Wisconsin Department of Natural Resources' Notice of Partial Voluntary Dismissal is accepted. Case No. 2016AP1699 and Case No. 2016AP2502 are severed and Case No. 2016AP2502 is dismissed. See Wis. Stat. (Rule) 809.18; Wis. Sup. Ct. IOP III.L.4; FRO that on or before June 19, 2019, the parties and the Wisconsin Legislature shall file simultaneous legal memoranda, each not exceeding 6,000 words, that address the correct legal standard for the Wisconsin Legislature's motion to intervene and whether the Wisconsin Legislature meets that standard; FRO that, on or before July 9, 2019, the parties and the Wisconsin Legislature may file legal memoranda, each not exceeding 3,500 words, in response to the memoranda filed on June 19, 2019, by the opposing parties; FRO that, with respect to the merits of the pending appeal, the Respondent-Appellant Wisconsin Department of Natural Resources' motion to modify the briefing schedule is granted. When the stay imposed by this court is lifted, the Respondent-Appellant may file its opening brief on the same schedule as that of the Petitioners-Respondents, Clean Wisconsin et al.; and FRO that the Petitioners-Respondents' motion to strike the Wisconsin Legislator's memorandum in opposition to the Respondent-Appellant's motion to modify the briefing schedule is dismissed, as moot.

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OCCD SC 05-13-2019 Letter/Correspondence

Comment: copy; from Justice Dallet advising parties she will participate despite Mr. McLeod's employment with Husch Blackwell

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OCCD SC 05-07-2019 Court Order

ORD that the briefing schedule set forth in the court's April 9, 2019 order is stayed, until further order of the court.  
FRO that responses, if any, to the Notice of Partial Voluntary Dismissal and Motion to Modify Briefing Schedule shall be filed on or before May 13, 2019.  
See MMS event filed on 5-2-2019

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OCCD SC 05-02-2019 Motion for Miscellaneous Relief

Filed By: 39939 (Johnson-Karp, Gabe)  
Submit Date: 5-2-2019  
Decision: (G) Grant  
Decision Date: 5-30-2019

ORD that the Respondent-Appellant Wisconsin Department of Natural Resources' Notice of Partial Voluntary Dismissal is accepted. Case No. 2016AP1699 and Case No. 2016AP2502 are severed and Case No. 2016AP2502 is dismissed. See Wis. Stat. (Rule) 809.18; Wis. Sup. Ct. IOP III.L.4; FRO that on or before June 19, 2019, the parties and the Wisconsin Legislature shall file simultaneous legal memoranda, each not exceeding 6,000 words, that address the correct legal standard for the Wisconsin Legislature's motion to intervene and whether the Wisconsin Legislature meets that standard; FRO that, on or before July 9, 2019, the parties and the Wisconsin Legislature may file legal memoranda, each not exceeding 3,500 words, in response to the memoranda filed on June 19, 2019, by the opposing parties; FRO that, with respect to the merits of the pending appeal, the Respondent-Appellant Wisconsin Department of Natural Resources' motion to modify the briefing schedule is granted. When the stay imposed by this court is lifted, the Respondent-Appellant may file its opening brief on the same

schedule as that of the Petitioners-Respondents, Clean Wisconsin et al.; and  
FRO that the Petitioners-Respondents' motion to strike the Wisconsin Legislator's memorandum in  
opposition to the Respondent-Appellant's motion to modify the briefing schedule is dismissed, as moot.

Motion Response

Filed By: Robert Lee

Submit Date: 5-9-2019

Motion Response

Filed By: Eric McLeod

Submit Date: 5-14-2019

This motion contains court order(s).

Comment: notice of partial voluntary dismissal for 16AP2502, motion to modify briefing schedule  
16AP1688; joint response to motion filed 5/9/19

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OCCD SC 04-25-2019 Motion to Intervene

Filed By: Eric McLeod

Submit Date: 4-26-2019

Decision: (G) Grant

Decision Date: 1-5-2021

ORD that the motions to intervene are granted. Separate orders establishing a briefing schedule on the  
merits will follow. Oral argument will be scheduled in due course.

BRIAN HAGEDORN, J., did not participate.

Motion Response

Filed By: 39939 (Johnson-Karp, Gabe)

Submit Date: 5-6-2019

Motion Response

Filed By: Tressie Kamp

Submit Date: 5-9-2019

Motion Response

Filed By: Tressie Kamp

Submit Date: 6-21-2019

Motion Response

Filed By: Joseph Brydges

Submit Date: 6-21-2019

Motion Response

Filed By: Eric McLeod

Submit Date: 6-21-2019

Motion Response

Filed By: 39939 (Johnson-Karp, Gabe)

Submit Date: 6-21-2019

Motion Response

Filed By: Tressie Kamp

Submit Date: 7-10-2019

Motion Response

Filed By: Eric McLeod

Submit Date: 7-10-2019

Motion Response

Filed By: 39939 (Johnson-Karp, Gabe)

Submit Date: 7-10-2019

Motion Response

Filed By: Eric McLeod

Submit Date: 10-20-2020

Motion Response

Filed By: Jennifer Vandermeuse

Submit Date: 10-28-2020

Motion Response

Filed By: Evan Feinauer



Submit Date: 10-30-2020

This motion contains court order(s).

Comment: The Wisconsin Legislature; Parties and Wisconsin Legislature to file simultaneous legal memoranda by 6/19/19, responses by parties and Wisconsin Legislature to Memoranda due 7/9/19 per 5/30/19 CTO; held in abeyance pending further order per 9/6/19 CTO; 11/2/20 - duplicate copy of 10/28/20 response filed by mail

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OCCD	SC	04-24-2019	Attorney Change
Comment: Attorney Lee added as attorney for respondents per notice of appearance, Attorney Geers withdrawn.			

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OCCD	SC	04-23-2019	Attorney Change
Comment: AAG Johnson-Karp and AAG Vandermeuse for appellant per notice of appearance.			

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OCCD	SC	04-09-2019	Court Changed to Supreme Court
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OCCD	CA	04-09-2019	Hold Status
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OCCD	SC	01-16-2019	Certification Filed
Filed By: Unassigned District 2			
Submit Date: 1-17-2019			
Decision: (G) Grant			
Decision Date: 4-9-2019			
ORD certification granted. Briefs/statements 30/20/10.			
See DEC event filed on 1-16-2019			

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OCCD	CA	01-16-2019	<a href="#">Opinion/Decision</a>
Judge Panel: Gundrum, Neubauer, Reilly			
Opinion: Certification			
Decision: Certification Filed Pages: 8			
Order Text: We are certifying these cases as companions to our certification in case No. 2018AP59.			
The courts decision in case No. 2018AP59, defining the impact of 2011 Wis. Act 21 (Act 21) on the regulatory permit approval process, answering the question of who is trustee of the states waters, and determining whether Lake Beulah Management District v. DNR, 2011 WI 54, 39, 335			
Wis. 2d 47, 799 N.W.2d 73, is still controlling law in Wisconsin, will affect the issues in this action.			

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OCCD	CA	12-21-2018	Attorney Change
Comment: AAG Berg for appellant per notice of appearance.			

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OCCD	CA	10-29-2018	Submitted on Briefs
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OCCD	CA	08-01-2018	Briefs Received At State Law Library
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OCCD	CA	07-17-2018	Record and Briefs Sent to District 2
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OCCD	CA	07-16-2018	Certificate of Service
Comment: Re: Amicus Brief; Certificate of Service - Wisconsin Manufacturers and Commerce, Inc.,			

Midwest Food Products Association, Wisconsin Cheese Makers Association, Dairy Business Association, Inc., Wisconsin Potato and Vegetable Growers Association, and Wisconsin Farm Bureau and Federation.

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OCCD CA 07-16-2018 Brief of Amicus Curiae  
[Brief of Amicus Curiae - Wisconsin Manufacturers and Commerce, Inc., Midwest Food Products Association, Wisconsin Cheese Makers Association, Dairy Business Association, Inc., Wisconsin Potato and Vegetable Growers Association, and Wisconsin Farm Bureau and Federation](#)

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OCCD CA 07-12-2018 Letter/Correspondence  
Comment: From Attorney Geers responding to motion to file an amicus brief advising respondents do not object to motionl. From Attorney Geers responding to Motion to File an Amicus Brief

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OCCD CA 07-12-2018 Certificate of Service  
Comment: RE: Reply Brief of Co-Appellant, Mailed 7-12-18, (IB)

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OCCD CA 07-12-2018 Reply Brief  
[Reply Brief of Co-Appellant](#)  
  
Filed By: Joseph Brydges  
  
Comment: Co-Appellant. 02-02-2021 received 10 copies of CA brief for SC use. 03-01-2021 received 10 copies of CA brief for SC use.

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OCCD CA 07-10-2018 Reply Brief  
[Reply Brief of Appellant](#)  
  
Filed By: Ryan Walsh  
  
Comment: Appellant. 02-02-2021 received 10 copies of CA brief for SC use.

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OCCD CA 07-09-2018 Motion to File Amicus/Non-Party Brief  
Filed By: Robert Fassbender  
Submit Date: 7-9-2018  
Decision: (G) Grant  
Decision Date: 7-12-2018  
ORD that the motion for leave to file an amici curiae brief is granted. The brief shall be filed by July 16, 2018.  
Comment: Wisconsin Manufacturers and Commerce, Inc., Midwest Food Products Assoc., Wisconsin Cheese Makers Assoc., Dairy Business Assoc., Inc., Wisconsin Potato and Vegetable Growers Assoc., and Wisconsin Farm Bureau and Federation

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OCCD CA 07-09-2018 Attorney Change  
Comment: Attorney Feinauer added as co-counsel for Clean Wisconsin per notice of appearance. Notice of Appearance filed by Attorney Feinauer

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OCCD CA 06-25-2018 Brief of Respondent(s)  
[Brief of Respondents](#)  
  
Filed By: Sarah Geers

Comment: Seperate Appendix. Please note that the attorneys' State Bar numbers have been added to the briefs. Please include this information on all future briefs. Refer to Wis. Stats. Sec. 802.05(1).  
03-05-21: Received 10 copies of CA briefs for SC use.

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OCCD CA 05-25-2018 Sua Sponte

Filed By: Unassigned District 2

Submit Date: 5-25-2018

Decision: (N) No Action

Decision Date: 5-30-2018

certifications on co-appellant's joinder accepted

Comment: accept Co-appellant Kinnard Farms signed certifications 809.19(12), 809.19(2)(b) and 809.19(8)(d) for BAP received on 5/24/18 ?

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OCCD CA 05-24-2018 No Brief to Be Filed

Comment: filed by Attorney Josephy D. Brydges; Co-Appellant's statement on joinder of opening brief and appendix and certifications pursuant to 809.19(12), 809.19(2)(b) and 809.19(8)(d)

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OCCD CA 05-17-2018 Sua Sponte

Filed By: Unassigned District 2

Submit Date: 5-17-2018

Decision: (O) Other

Decision Date: 5-18-2018

ORD that no later than May 30, 2018, Kinnard Farms, Inc. shall comply with this order. Failure to do so will result in a determination that Kinnard Farms has not briefed this appeal.

Comment: Co-appellant signature needed on joint BAP?

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OCCD CA 05-16-2018 Letter/Correspondence

Comment: From Attorney Jordan J. Hemaïdan advising the co-appellant joins in the brief filed by appellant.

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OCCD CA 05-16-2018 Brief & Appx of Appellant(s)  
[Brief of Appellant](#)

Filed By: Ryan Walsh

Comment: Separate Appendix. 02-02-2021: Received 10 copies of CA briefs for SC use. 03-01-2021: Received 10 copies of CA brief for SC use.

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OCCD CA 05-02-2018 Motion for Miscellaneous Relief

Filed By: Jordan Hemaïdan

Submit Date: 5-2-2018

Decision: (G) Grant

Decision Date: 5-4-2018

ORD that the intervenor-co-appellant's motion for permission to join the brief(s) of the respondent-appellant is granted.

FRO that the time for the respondent-appellant to file its opening brief is extended to May 16, 2018. See Wis. Stat. Rule 809.82(2)(a).

Comment: Motion for co-appellant to join appellant brief

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OCCD CA 05-01-2018 Motion to Extend Time

Filed By: Ryan Walsh  
Submit Date: 5-2-2018  
Decision: (G) Grant  
Decision Date: 5-4-2018

ORD that the intervenor-co-appellant's motion for permission to join the brief(s) of the respondent-appellant is granted.

FRO that the time for the respondent-appellant to file its opening brief is extended to May 16, 2018. See Wis. Stat. Rule 809.82(2)(a).

Motion Response

Filed By: Sarah Geers  
Submit Date: 5-4-2018

See BAP event due on 5-16-2018

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OCCD CA 04-09-2018 Attorney Change  
Comment: Chief Deputy Solicitor General Ryan J. Walsh and Assistant Solicitor General for DNR per notice of appearance.

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OCCD CA 04-03-2018 Court Order  
ORD that the appellant's brief and co-appellant's brief shall be filed within thirty-five days, by May 8, 2018.

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OCCD CA 04-03-2018 Transfer to District II  
Comment: TDD 08-26-2016

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OCCD CA 04-03-2018 Hold Status

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OCCD CA 04-02-2018 Sua Sponte  
Filed By: Unassigned District 4  
Submit Date: 4-2-2018  
Decision: (O) Other  
Decision Date: 4-3-2018  
Letter to parties: These consolidated appeals are now docketed in the District II Court of Appeals.  
Comment: appellants designated District II decide appeal

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OCCD CA 08-09-2017 Attorney Change  
Comment: Deputy Solicitor General LeRoy for Wisconsin Department of Natural Resources per notice of appearance.

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OCCD CA 01-24-2017 Consolidated Case  
Comment: [2016AP001688, 2016AP002502]

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OCCD CA 01-17-2017 Motion to Consolidate  
Filed By: Jennifer Vandermeuse  
Submit Date: 1-17-2017  
Decision: (G) Grant  
Decision Date: 1-24-2017  
ORD that Appeal Nos. 2016AP1688 and 2016AP2502 are hereby consolidated for briefing and disposition.  
FRO that the briefing schedule shall remain on hold until the Wisconsin Supreme Court has resolved

the DNR's pending writs concerning the proper appellate venue for the appeals.  
Comment: [2016AP001688, 2016AP002502]

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OCCD SC 12-09-2016 Court Order

ORD that the respondents, Wisconsin Court of Appeals, District IV, et al., are directed to file a formal response to the petition for supervisory writ, or a statement that no response will be filed, on or before December 30, 2016; and FRO that the request of the petitioner, Dept. of Natural Resources, for a stay of the merits briefing in Clean Wisconsin, Inc. v Dept of Natural Resources, No. 16AP1688, pending disposition of this petition is granted, ex parte.

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OCCD CA 11-18-2016 Attorney Change

Comment: Attorney Kathryn Nekola for Attorney Elizabeth Wheeler, on behalf of Clean Wisconsin, per Notice of Withdrawal and Appearance

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OCCD CA 11-03-2016 Motion for Miscellaneous Relief

Filed By: Joseph Brydges  
Submit Date: 11-3-2016  
Decision: (D) Deny  
Decision Date: 11-8-2016  
ORD that the time to file the appellant's brief is extended to 1/13/17.  
FRO that the motion for staggered briefing is denied.  
Comment: Motion to Stagger Briefing Schedule

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OCCD CA 11-01-2016 Motion for Stay

Filed By: Jennifer Vandermeuse  
Submit Date: 11-2-2016  
Decision: (G) Grant  
Decision Date: 11-8-2016  
ORD that the time to file the appellant's brief is extended to 1/13/17.  
FRO that the motion for staggered briefing is denied.  
Comment: Motion for stay of briefing, or, alternatively, motion for extension of time

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OCCD CA 10-12-2016 Non-Electronic Record Item

Comment: Item 34: CD and Kinnard Farms Inc. Confidential exhibits #123 and #124

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OCCD CA 10-05-2016 Record

Comment: ELECTRONICALLY FILED; 1-44 to 58-1

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OCCD CA 09-19-2016 Court Reporter's Statement-Trans.

Court Reporter Name: (Jenson, Debra)

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OCCD CA 09-16-2016 Transcript filed in Circuit Court

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OCCD CA 09-09-2016 Motion for Miscellaneous Relief

Filed By: Jennifer Vandermeuse  
Submit Date: 9-12-2016  
Decision: (D) Deny  
Decision Date: 9-29-2016

ORD that the motion for reconsideration is denied.

Motion Response

Filed By: Jennifer Vandermeuse

Submit Date: 9-15-2016

Motion Response

Filed By: Sarah Geers

Submit Date: 9-20-2016

Comment: Motion for Change of Venue

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OCCD	CA	09-09-2016	Statement on Transcript
		Filed By: Joseph Brydges	
		Status: Other	
		Comment: Co-Appellant; required transcripts have been ordered by appellant	

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OCCD	CA	09-07-2016	Caption Amended
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OCCD	CA	09-06-2016	Letter/Correspondence
		Comment: from AAG Vandermeuse advising circuit court order refers to Interested Persons as Petitioners; caption amended	

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OCCD	CA	09-06-2016	Statement on Transcript
		Filed By: Jennifer Vandermeuse	
		Status: Ordered	

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OCCD	CA	08-31-2016	Other Papers
		Comment: Notice: The underlying action is judicial review of a contested case decision under Wis. Stat. s. 227.52. The appellants are not entitled to select the district on appeal under s. 752.21(2). Therefore, this appeal has been docketed before the Court of Appeals District IV. See s. 752.21(1).	

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OCCD	CA	08-30-2016	Notif. Sent - Filing of NOP & Ct. Rec.
		Comment: Co-	

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OCCD	CA	08-30-2016	Notif. Sent-Filing of NAP & Ct. Record
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OCCD	CA	08-30-2016	Fee Paid
		Comment: Receipt No: 16R 002036	

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OCCD	CA	08-30-2016	Fee Waived
		Comment: Appellant-DNR (State)	

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OCCD	CA	08-29-2016	Notice of Addtl/Amended (Other) Appeal
		Comment: Co-	

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OCCD	CA	08-29-2016	Notice of Appeal & Circuit Court Docket Entries
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OCCD	CA	08-26-2016	Transfer District Designation
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Comment: Kinnard Farms designates D2

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OCCD	CA	08-26-2016	Docketing Statement from Appellant
			Comment: Co-Appellant

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OCCD	CA	08-26-2016	Other Appeal Filed In Circuit Court
			Comment: Co-

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OCCD	CA	08-24-2016	Transfer District Designation
			Comment: DNR designates D2

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OCCD	CA	08-24-2016	Notice of Appeal filed in Cir. Ct.
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OCCD	CA	08-24-2016	Docketing Statement from Appellant
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OCCD	CA	07-14-2016	Order of Circuit Court
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