

Wisconsin Supreme Court and Court of Appeals Case Access

League of Women Voters of Wisconsin v. Tony Evers

Appeal Number 2019AP000559

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	07-29-2019		Remittitur
OCCD	SC	07-25-2019		Costs Taxed
OCCD	SC	07-03-2019		Statement on Costs Filed Comment: by the Intervening Defendant-Appellant Wisconsin Legislature
OCCD	SC	06-21-2019		Cites 387 Wis. 2d 511
OCCD	SC	06-21-2019		Cites 929 N.W.2d 209
OCCD	SC	06-21-2019		Opinion/Decision Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Bradley, Kelly, Dallet Opinion: Opinion Decision: Vacated Pages: 25 Dallet, Rebecca F. Wrote Dissenting Opinion 11 pages. Abrahamson, Shirley S. Joined Dissenting Opinion Bradley, Ann Walsh Joined Dissenting Opinion Order Text: Order of the circuit court is vacated and the cause is remanded for dismissal. Comment: Opinion/Decision
OCCD	SC	06-20-2019		Public Domain Citation Comment: PDC No: 2019 WI 75
OCCD	SC	05-15-2019		Oral Argument Comment: at 9:45 a.m. Attorney Misha Tseytlin for INV-DEF-APP, Attorney Jeffrey A. Mandell for PLA-RES, Attorney Tamara Packard for DEF-RES.
OCCD	SC	05-13-2019		Briefs Received At State Law Library

OCCD SC	05-07-2019	Reply Brief-Supreme Court Reply Brief-Supreme Court
Filed By: Misha Tseytlin		
OCCD SC	05-06-2019	Brief of Amicus Curiae Brief of Amicus Curiae - Sustain Rural Wisconsin Network, River Alliance of Wisconsin, Friends of the Lower Wisconsin Riverway, and Milwaukee Riverkeeper
Filed By: Robert Lee Comment: Sustain Rural Wisconsin Network, River Alliance of Wisconsin, Friends of the Lower Wisconsin Riverway, and Milwaukee Riverkeeper		
OCCD SC	05-06-2019	Brief of Amicus Curiae Brief of Amicus Curiae - Legal Scholars
Filed By: Barry Blonien Comment: Legal Scholars		
OCCD SC	05-06-2019	Brief of Amicus Curiae Brief of Amicus Curiae - Law School Professors
Filed By: Harold Harlowe Comment: Law School Professors.		
OCCD SC	05-06-2019	Brief of Amicus Curiae Brief of Amicus Curiae - Wisconsin Manufacturers & Commerce
Filed By: Corydon Fish Comment: Wisconsin Manufacturers & Commerce		
OCCD SC	05-06-2019	Brief of Amicus Curiae Brief of Amicus Curiae - Wisconsin Democracy Campaign
Filed By: Jeanne Armstrong Comment: Wisconsin Democracy Campaign		
OCCD SC	05-03-2019	Motion to File Amicus/Non-Party Brief
Filed By: Jeanne Armstrong Submit Date: 5-3-2019 Decision: (G) Grant Decision Date: 5-6-2019 ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order. Comment: Wisconsin Democracy Campaign		
OCCD SC	05-03-2019	Motion to File Amicus/Non-Party Brief
Filed By: Kyle McCoy Submit Date: 5-3-2019 Decision: (D) Deny Decision Date: 5-7-2019 IT IS ORDERED that the motion is denied.		

OCCD SC 05-03-2019 Motion to File Amicus/Non-Party Brief

Filed By: Corydon Fish

Submit Date: 5-3-2019

Decision: (G) Grant

Decision Date: 5-6-2019

ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order.

Comment: re: Wisconsin Manufacturers & Commerce

OCCD SC 05-03-2019 Motion to File Amicus/Non-Party Brief

Filed By: Barry Blonien

Submit Date: 5-3-2019

Decision: (G) Grant

Decision Date: 5-6-2019

ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order.

Comment: re: Legal Scholars; motion is unsigned, per ph call to Atty Blonien he will deliver signed copies

OCCD SC 05-03-2019 Motion to File Amicus/Non-Party Brief

Filed By: Harold Harlowe

Submit Date: 5-3-2019

Decision: (G) Grant

Decision Date: 5-6-2019

ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order.

Comment: re: Legal Scholars (Law School Professors)

OCCD SC 05-03-2019 Motion for Pro Hac Vice status

Filed By: Harold Harlowe

Submit Date: 5-3-2019

Decision: (G) Grant

Decision Date: 5-6-2019

ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order.

Comment: re: Atty Daniel Hemel

OCCD SC 05-03-2019 Motion to File Amicus/Non-Party Brief

Filed By: Robert Lee

Submit Date: 5-3-2019

Decision: (G) Grant

Decision Date: 5-6-2019

ORD that the motions for leave to file non-party briefs amicus curiae identified above are granted and the briefs are accepted for filing. FRO that the motion for admission of Daniel Hermel pro hac vice is granted. A copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order.

Comment: Sustain Rural Wisconsin Network, River Alliance of Wisconsin, Friends of the Lower Wisconsin Riverway, and Milwaukee Riverkeeper

OCCD CA 05-02-2019 Fee Paid
Comment: Invoice No: 19045; Receipt No: 19R 001208

OCCD SC 05-02-2019 Caption Amended
Comment: Amended to remove the word "of" from Disability Rights Wisconsin, Inc.

OCCD CA 05-02-2019 Invoice Issued
Comment: Invoice No: 19045

OCCD SC 05-01-2019 Caption Amended
Comment: see LTR entry of 4/30/19

OCCD CA 05-01-2019 Fee Paid
Comment: Invoice No: 19041; Receipt No: 19R 001190

OCCD CA 05-01-2019 Invoice Issued
Comment: Invoice No: 19041

OCCD SC 04-30-2019 Letter/Correspondence
Comment: From Atty Mandell re: case caption; caption amended as proposed 5/1/19, amendment notices issued 5/1/19.

OCCD SC 04-30-2019 No Brief to Be Filed
Comment: Per letter from AAG Roth, WI Dept. of Justice does not intend to file a brief in response to the Wisconsin Legislature's opening brief. No Brief to Be Filed by the WI Dept. of Justice

OCCD SC 04-30-2019 Response Brief-Supreme Court
[Response Brief-Supreme Court - Tony Evers](#)
Filed By: Tamara Packard
Comment: Tony Evers

OCCD SC 04-30-2019 Response Brief-Supreme Court
[Response Brief-Supreme Court - The League of Women Voters, Disability Rights of Wisconsin, Inc., Black Leaders Organizing for Communities, Guillermo Aceves, Michael J. Cain, John S. Greene and Michael Doyle](#)
Filed By: Jeffrey Mandell
Comment: The League of Women Voters, Disability Rights of Wisconsin, Inc., Black Leaders Organizing

for Communities, Guillermo Aceves, Michael J. Cain, John S. Greene & Michael Doyle. Note that the caption has been corrected on this brief.

OCCD	SC	04-23-2019	Motion to File Amicus/Non-Party Brief
Filed By: Richard Esenberg Submit Date: 4-23-2019 Decision: (D) Deny Decision Date: 4-25-2019 ORD that the motion is denied. Comment: re: Former Lieutenant Governor Margaret Farrow, Speak of the Assembly Scott Jensen, State Senators Terry Moulton and Leah Vukmir, and Representatives to the Assembly Garey Bies, Adam Jarchow, and Jesse Kremer			

OCCD	SC	04-18-2019	Fee Paid
Comment: Invoice No: 19055; Receipt No: 19R 001049			

OCCD	SC	04-18-2019	Invoice Issued
Comment: Invoice No: 19055			

OCCD	SC	04-17-2019	Attorney Change
Comment: AAG Thomas C. Bellavia added as interested party counsel for DOJ per letter.			

OCCD	SC	04-16-2019	Motion to File Amicus/Non-Party Brief
Filed By: Michael Dean Submit Date: 4-16-2019 Decision: (D) Deny Decision Date: 4-16-2019 ORD that the motion is denied. This court has generally denied motions for leave to file non-party briefs amicus curiae where the movant has a personal interest in the matter pending before this court. Ms. Maxwell has a personal interest in the outcome of this matter. SHIRLEY S. ABRAHAMSON, J., dissents. Comment: re: Georgia E. Maxwell (with brief in support)			

OCCD	CA	04-16-2019	Hold Status
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OCCD	SC	04-15-2019	Assigned-Oral Argument
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OCCD	SC	04-15-2019	Assigned-Oral Argument
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OCCD	SC	04-15-2019	Court Changed to Supreme Court
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OCCD	SC	04-15-2019	Motion to File Amicus/Non-Party Brief
Filed By: Corydon Fish Submit Date: 4-15-2019 Decision: (G) Grant Decision Date: 4-16-2019 ORD that the motion is granted and the non-party brief is accepted for filing. Comment: Motion for Leave to File a Non-Party Brief in Support of Intervening			

Defendant-Appellant-Petitioner's Emergency Petition for Immediate Temporary Relief of Intervening Defendant-Appellant Petitioner Wisconsin Legislature and accompanying Non-Party Brief of Wisconsin Manufacturers & Commerce in Support of Intervening Defendant-Appellant-Petitioner's Emergency Petition for Immediate Temporary Relief of Intervening Defendant-Appellant-Petitioner Wisconsin Legislature

OCCD CA 04-15-2019 Pro Hac Vice Letter

OCCD SC 04-15-2019 Other Papers

Comment: Rec'd copy of circuit court order granting Attys Lawrence S. Robbins, Carolyn Forstein, Wendy Liu, Benjamin Berwick, Jessica Marsden, Deana K. El-Mallawany and Kristy Parker pro hac vice admission in the circuit court.

OCCD SC 04-11-2019 Court Order

ORD that any responses to the motion for emergency temporary relief in Case No. 2019AP559 shall be filed with the clerk of this court by 3:00 p.m. on Monday, April 15, 2019. FRO that any responses to the petition for original action/supervisory writ in Case No. 2019AP673-OA shall be filed with the clerk of this court by 4:00 p.m. on Tuesday, April 16, 2019.

OCCD SC 04-10-2019 Motion for Stay

Filed By: Misha Tseytlin
Submit Date: 4-15-2019
Decision: (G) Grant
Decision Date: 4-30-2019

IT IS ORDERED that the motion of the Intervening Defendant-Appellant, Wisconsin Legislature, for temporary relief pending appeal is granted in part, as set forth below; and

IT IS FURTHER ORDERED that the court of appeals' March 27, 2019 stay of the portion of the Dane County circuit court's March 21, 2019 order in Dane County Case No. 19CV84 that enjoined enforcement of any provision of 2017 Wisconsin Act 368, 2017 Wisconsin Act 369, and 2017 Wisconsin Act 370 shall remain in effect pending this court's final decision in this case; and

IT IS FURTHER ORDERED that the court of appeals' March 27, 2019 stay of the portions of the Dane County circuit court's March 21, 2019 order in Dane County Case No. 19CV84 that enjoined the defendants from enforcing the December 2018 confirmations of the 82 nominees/appointees to the various state authorities, boards, councils, and commissions and that "temporarily vacated" those appointments shall remain in effect pending this court's final decision in this case; and

IT IS FURTHER ORDERED that the 82 nominees/appointees are hereby restored, as of the date of this order, to the positions to which they were appointed, and they may exercise all of the rights and duties of those positions as they did prior to the Dane County circuit court's March 21, 2019 injunction and order, pending this court's final decision in this case. The letter of March 22, 2019, from Governor Evers to Jeff Renk, Chief Clerk of the Wisconsin Senate, was of no legal effect and will remain so for the duration of this appeal.

ANN WALSH BRADLEY, J., dissenting, joined by Justices SHIRLEY S. ABRAHAMSON and REBECCA FRANK DALLEY.

Motion Response
Filed By: Jeffrey Mandell
Submit Date: 4-15-2019
Motion Response
Filed By: Tamara Packard
Submit Date: 4-15-2019

Motion Response

Filed By: (Fish, Corydon

Comment: Emergency Petition for Original Action, Supervisory Writ, Writ of Mandamus, And/Or Immediate Temporary Relief of Intervening Defendant-Appellant-Petitioner Wisconsin Legislature and Memorandum in Support (petition portion docketed under 19AP673-OA); responses due by 3pm, 4/15/19 (per cto 4/11/19)

OCCD CA 04-10-2019 Fee Paid

Comment: Receipt No: 19R 000953

OCCD CA 04-10-2019 Fee Paid

Comment: Receipt No: 19R 000952

OCCD SC 04-10-2019 Fee Paid

Comment: Invoice No: 19038; Receipt No: 19R 000949

OCCD CA 04-10-2019 Fee Paid

Comment: Receipt No: 19R 000948

OCCD SC 04-10-2019 Letter/Correspondence

Comment: From Atty Tseytlin re: the Legislature plans to seek emergency relief from the Supreme Court by close of business 4/10/19.

OCCD SC 04-10-2019 Invoice Issued

Comment: Invoice No: 19038

OCCD CA 04-10-2019 Brief & Appx of Appellant(s)

[Brief of Appellant](#)

Filed By: Misha Tseytlin

Comment: Separate Appendix. Please note that the case caption has been corrected on all brief covers. Please use the case caption, as listed above, on all future briefs. 4/18/19 rec'd 15 addl copies of CA brief for SC. Appx to Brief of Appellant(s)

OCCD SC 04-09-2019 Letter/Correspondence

Comment: Letter from Attys Fish & Ruhland seeking allowance of Wisconsin Manufacturers & Commerce, and other members of the regulated community, to participate as amici if petition to bypass is granted.

OCCD SC 04-09-2019 Letter/Correspondence

Comment: Letter from Atty Breuer seeking allowance of Wisconsin Paper Council to participate as amicus curiae.

OCCD CA 04-05-2019 Statement on Transcript

Filed By: Misha Tseytlin

Status: Prev. Filed

Comment: unsigned version and signed versions received; 3rd version rec'd via fax, fax incomplete,

bottom portion did not print, placed in file no action (complete version was previously received)

OCCD SC 04-04-2019 Court Order

ORD that any responses to the bypass petition of The League of Women Voters shall be filed with the clerk of this court by 4:00 p.m. on Monday April 8, 2019; and FRO that the parties are directed to comply with the April 2, 2019 court of appeals' order regarding responses to the Legislature's expedited motion to enforce the stay issued on March 27, 2019. The responses shall be filed with the court of appeals, which is authorized and encouraged to issue a prompt decision on the motion; and FRO that the briefing scheduled established by the court of appeals' orders of March 27, 2019 and April 3, 2019, remains in effect while the petition for bypass is pending before this court.

OCCD CA 04-04-2019 Caption Amended

Comment: petitioner designation removed for Wisconsin Legislature due to dismissal of petition for leave to appeal (see cto 4/3/19)

OCCD CA 04-04-2019 Fee Paid

Comment: Invoice No: 19033; Receipt No: 19R 000911

OCCD CA 04-04-2019 Sua Sponte

Filed By: Unassigned District 3

Submit Date: 4-4-2019

Decision: (N) No Action

Decision Date: 4-9-2019

no action

Comment: Letter from Atty Tseytlin, dated 4/4/19, re: clarification and memorialization of Legislature's understanding of petition to bypass filing concerning stay request

OCCD CA 04-04-2019 Invoice Issued

Comment: Invoice No: 19033

OCCD SC 04-03-2019 Petition to Bypass

Filed By: Jeffrey Mandell

Submit Date: 4-8-2019

Decision: (G) Grant

Decision Date: 4-15-2019

ORD that the petition to bypass is granted and the entire appeal is accepted for consideration in this court; and

FRO that the opening brief filed in the court of appeals by the intervening defendant-appellant, the Wisconsin Legislature, is accepted for consideration in this court and the intervening defendant-appellant shall file an additional 15 copies of that opening brief in this court. Further, the remainder of the briefing schedule established in the court of appeals March 27, 2019 order, as modified by the court of appeals April 3, 2019 order, shall remain in effect, with the briefs due on April 30, 2019, and May 7, 2019, to be filed in this court (original plus 22 copies); and

FRO that all motions for leave to file briefs amicus curiae and the accompanying briefs shall be filed in this court by May 3, 2019; and

FRO that oral argument in this matter shall be heard on May 15, 2019, at 9:45 a.m.

Motion Response

Filed By: Tamara Packard

Submit Date: 4-8-2019

Motion Response

Filed By: Misha Tseytlin

Submit Date: 4-8-2019

Comment: responses due by 4pm on 4/8/19 (per cto 4/4/19); amended signature pages for response to petition to bypass filed by Atty Tseytlin 4/9/19

OCCD CA 04-03-2019 Non Final Dismissal

Judge Panel: Stark

Pages: 2

Order Text: ORD that the response briefs of the respondents and the Department of Justice shall be due 4/30/19, and the reply brief of the Wisconsin Legislature shall be due 5/7/19. FRO that the petition for leave to appeal is dismissed as unnecessary, and this case shall proceed based upon the notice of appeal.

OCCD CA 04-03-2019 Fee Paid

Comment: Invoice No: 19032; Receipt No: 19R 000894

OCCD CA 04-03-2019 Invoice Issued

Comment: Invoice No: 19032

OCCD CA 04-02-2019 Motion for Miscellaneous Relief

Filed By: Lester Pines

Submit Date: 4-2-2019

Decision: (G) Grant

Decision Date: 4-3-2019

ORD that the response briefs of the respondents and the Department of Justice shall be due 4/30/19, and the reply brief of the Wisconsin Legislature shall be due 5/7/19. FRO that the petition for leave to appeal is dismissed as unnecessary, and this case shall proceed based upon the notice of appeal.

Comment: Unopposed Motion to Revise Briefing Schedule

OCCD CA 04-02-2019 Court Order for Filing Fee Issued

Comment: for the notice of appeal

OCCD CA 04-02-2019 Court Order

ORD that the respondents and the Attorney General shall have until noon on Friday, April 5, 2019, to file a response to the Legislature's motion to enforce the stay. No additional reply is authorized, unless this court subsequently directs supplemental briefing. FRO that this order will be disseminated solely by email or fax to those parties who have provided such contact information to the court.

See MMS event filed on 4-1-2019

OCCD CA 04-01-2019 Motion for Miscellaneous Relief

Filed By: Misha Tseytlin

Submit Date: 4-1-2019

Decision: (D) Deny

Decision Date: 4-9-2019

ORD that the Legislature's April 1, 2019 motion to enforce the stay is denied. FRO that this order will be disseminated solely by email or fax to those parties who have provided such contact information to the court.

Motion Response

Filed By: Lester Pines

Submit Date: 4-4-2019

This motion contains court order(s).

Comment: Wisconsin Legislature's Expedited Motion to Enforce the Stay

OCCD CA 03-29-2019 Fee Paid

Comment: Receipt No: 19R 000845

OCCD CA 03-29-2019 Record

Comment: 1-34 to 98-1, ELECTRONICALLY FILED

OCCD CA 03-28-2019 Fee Paid

Comment: Receipt No: 19R 000823

OCCD CA 03-27-2019 Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 03-27-2019 Docketing Statement Submitted

OCCD CA 03-25-2019 Motion for Miscellaneous Relief

Filed By: Misha Tseytlin

Submit Date: 3-25-2019

Decision: (G) Grant

Decision Date: 3-26-2019

ORD that the Wisconsin Legislature may file a reply of up to ten pages by 10:00 a.m., this Tuesday, March 26, 2019.

Comment: Motion to file a reply brief in support of emergency stay motion

OCCD CA 03-25-2019 Motion for Reconsideration

Filed By: Jeffrey Mandell

Submit Date: 3-25-2019

Decision: (D) Deny

Decision Date: 3-27-2019

ORD that the motion to reconsider the docketing of this appeal in District III is denied.

FRO that this order will be disseminated solely by email and fax to those parties who have provided such contact information to the court.

Comment: 3-25-2019 order denying transfer of venue from District III; Order amended 3-28-2019 as to a citation

OCCD CA 03-25-2019 Court Order

ORD that this appeal shall remain docketed in District III of this court.

OCCD CA 03-25-2019 Letter/Correspondence

Comment: From Attorney Tseytlin urging court to issue an administrative stay.

OCCD CA 03-22-2019 Docketing Statement from Appellant

OCCD CA 03-22-2019 Notice of Appeal filed in Cir. Ct.

OCCD CA 03-22-2019

Court Order

ORD that we grant the motion of the Wisconsin Department of Justice to participate in these proceedings. FRO that any of the above parties who wish to be heard on the merits of the stay must submit their responses to this court by 4:00 p.m. on Monday, March 25, 2019.

OCCD CA 03-22-2019

Motion for Relief

Filed By: Misha Tseytlin

Submit Date: 3-22-2019

Decision: (G) Grant

Decision Date: 3-27-2019

ORD that the temporary injunction issued by the circuit court on March 21, 2019, is hereby stayed pending the Legislature's appeal.

FRO that this appeal shall be expedited. The record shall be transmitted within three business days from this order, unless one of the parties promptly advises us that there are additional transcripts that need to be produced. The Legislature's initial appellant's brief and appendix shall be due April 10, 2019, the response briefs of the respondents and the DOJ shall be due April 23, 2019, and the Legislature's reply brief shall be due April 30, 2019.

FRO that this order will be disseminated solely by email or fax to those parties who have provided such contact information to the court.

Motion Response

Filed By: Jeffrey Mandell

Submit Date: 3-22-2019

Motion Response

Filed By: Tamara Packard

Submit Date: 3-22-2019

Motion Response

Filed By: Colin Roth

Submit Date: 3-22-2019

Motion Response

Filed By: Tamara Packard

Submit Date: 3-25-2019

Motion Response

Filed By: Colin Roth

Submit Date: 3-25-2019

Motion Response

Filed By: Jeffrey Mandell

Submit Date: 3-25-2019

Motion Response

Filed By: Misha Tseytlin

Submit Date: 3-26-2019

Comment: Emergency Motion to Stay Temporary Injunction; 3/22/19 rec'd separate letters from Attys Mandell & Packard

OCCD CA 03-22-2019

Transfer to District III

OCCD CA 03-22-2019

Transfer District Designation

Comment: III

OCCD CA 03-22-2019

Fee Paid

Comment: Receipt No: 19R 000754

OCCD CA 03-22-2019

Petition for Leave to Appeal

Filed By: Misha Tseytlin

Submit Date: 3-22-2019

Decision: (M) Dismiss

Decision Date: 4-3-2019

ORD that the response briefs of the respondents and the Department of Justice shall be due 4/30/19, and the reply brief of the Wisconsin Legislature shall be due 5/7/19. FRO that the petition for leave to appeal is dismissed as unnecessary, and this case shall proceed based upon the notice of appeal.

OCCD	CA	03-21-2019	Order of Circuit Court
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OCCD	CA	03-21-2019	Non-Final Order of Circuit Court
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