Wisconsin Supreme Court and Court of Appeals Case Access

Jere Fabick v. Tony Evers

Appeal Number 2020AP001718 - OA

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	05-03-2021		Remittitur
	Comment: T/J			
OCCD	SC	03-31-2021		Cites
	396 Wis. 2d 231			
OCCD	SC	03-31-2021		Cites
	956 N.W.2d 856			
OCCD	SC	03-31-2021		Opinion/Decision
	Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky Opinion: Opinion Decision: Other Pages: 27 Bradley, Rebecca Grassl Wrote Concurring Opinion 19 pages. Bradley, Ann Walsh Wrote Dissenting Opinion 29 pages. Order Text: Rights declared; relief granted Comment: Opinion Returned to Clerk's Office (Re-Sent 4/23/21)			
OCCD	SC	03-30-2021		Public Domain Citation
	Comment: PDC No: 2021 WI 28			
OCCD	SC	02-15-2021		Brief of Amicus Curiae NON-PARTY BRIEF OF AMICUS CURIAE WISCONSIN LEGISLATURE IN SUPPORT OF PETITIONER
	Filed By: Jessie Augustyn Comment: Wisconsin Legisalture			
OCCD	SC	02-10-2021		Notice of Appearance
	Comment: NAA for attorneys Jessie Augustyn for Senate Majority Leader Devin LeMahieu, and Steve Fawcett for Speaker Robin Vos Augustyn/LeMahieu Notice of Appearance			
OCCD	SC	02-10-2021		Motion to File Amicus/Non-Party Brief

Filed By: Jessie Augustyn
Submit Date: 2-12-2021
Decision: (G) Grant
Decision Date: 2-15-2021
IT IS ORDERED that the motion of the Wisconsin Legislature is granted, and the brief is accepted for filing.
Motion Response
Filed By: Jessie Augustyn
Submit Date: 2-16-2021
Comment: Motion to File Amicus/Non-Party Brief Court Order - Granting Amicus

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OCCD SC 02-09-2021 Motion for Miscellaneous Relief

Filed By: Matthew Fernholz
Submit Date: 2-9-2021
Decision: (O) Other
Decision Date: 3-31-2021
See opinion of 3/31/21
Motion Response
Filed By: Hannah Jurss
Submit Date: 2-22-2021
Motion Response
Filed By: Matthew Fernholz
Submit Date: 3-4-2021
Comment: Emergency Motion for a Temporary Injunction

OCCD SC 01-21-2021 Motion to Take Judicial Notice

Filed By: Matthew Fernholz
Submit Date: 1-22-2021
Decision: (G) Grant
Decision Date: 3-31-2021
See opinion of 3/31/21

OCCD SC 11-23-2020 Motion for Miscellaneous Relief

Filed By: Matthew Fernholz
Submit Date: 11-23-2020
Decision: (G) Grant
Decision Date: 12-18-2020
ORD that the motion is granted.
Comment: Petitioner's Notice of Additional Emergency Order Order (12/18/20)

OCCD SC 11-16-2020 Oral Argument

Comment: 9:45 am Due to the COVID-19 pandemic, oral arguments before the court will be conducted via videoconferencing. The hearing room will not be open to the public. The public may watch proceedings on the Wisconsin Eye website. Counsel in this case will receive instructions from the Clerks Office prior to the date of the oral argument regarding the procedures for appearing remotely. Matthew M. Fernholz for Petitioner Richard M. Esenberg for Amici Curiae Hannah Schieber Jurss for Respondent

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OCCD SC 11-10-2020 Motion for Miscellaneous Relief

Filed By: Matthew Fernholz
Submit Date: 11-10-2020
Decision: (G) Grant
Decision Date: 11-11-2020

IT IS ORDERED that the motion is granted. Petitioner shall be allocated 20 minutes for opening argument and 10 minutes for rebuttal.
Comment: Motion for reallocation of rebuttal time at oral argument

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OCCD SC 11-09-2020 Other Brief
Petitioner's Reply Brief

Comment: Note that the appeal number has been corrected on all briefs (2020AP1718-OA). Please use this number on all future correspondence.

OCCD SC 11-06-2020 Court Order

IT IS ORDERED that the motion is granted, and counsel for amici curiae, Derek Lindoo, et al., shall be granted 10 minutes of oral argument time following the initial argument of counsel for petitioner, Jer Fabick; and

IT IS FURTHER ORDERED that counsel for respondent, Governor Tony Evers, shall have 40 minutes of argument time following the argument of counsel for amici curiae.

OCCD SC 11-06-2020 Other Brief
Respondent's Brief

Filed By: Hannah Jurss
Comment: Respondent's by 4 pm

OCCD SC 11-05-2020 Motion to File Amicus/Non-Party Brief

Filed By: Ryan Walsh
Submit Date: 11-5-2020
Decision: (G) Grant
Decision Date: 11-5-2020
ORD that the motion is granted, and the brief is accepted for filing.
Comment: Wisconsin Legislature

OCCD SC 11-05-2020 Brief of Amicus Curiae
Amicus Brief Wisconsin Legislature

Comment: Wisconsin Legislature

OCCD SC 11-03-2020 Brief of Amicus Curiae
Amicus Brief Derek Lindoo, Brandon Widiker, and John Kraft

Filed By: Richard Esenberg
Comment: Derek Lindoo, Brandon Widiker, and John Kraft Brief of Amicus Curiae Cover Letter

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OCCD SC 11-03-2020 Motion for Miscellaneous Relief

Filed By: Richard Esenberg
Submit Date: 11-6-2020
Decision: (G) Grant
Decision Date: 11-6-2020
IT IS ORDERED that the motion is granted, and counsel for amici curiae, Derek Lindoo, et al., shall be granted 10 minutes of oral argument time following the initial argument of counsel for petitioner, Jer Fabick; and

IT IS FURTHER ORDERED that counsel for respondent, Governor Tony Evers, shall have 40 minutes of argument time following the argument of counsel for amici curiae.

Comment: Motion for leave for oral argument

OCCD SC 11-02-2020 Other Brief
Petitioner's Brief - Fernholz, Matthew

Filed By: Matthew Fernholz
Comment: Other Brief Ack Notice & Cvr Ltr Other Brief (Fernholz, Matthew)

OCCD SC 10-28-2020 Motion for Miscellaneous Relief

Filed By: Matthew Fernholz
Submit Date: 10-28-2020
Decision: (D) Deny
Decision Date: 10-28-2020
IT IS ORDERED that the motion is denied as moot.
Comment: Order (10/28/20) Denying Motion for Miscellaneous Relief

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OCCD SC 10-26-2020 Certificate of Filing by Mail

Comment: Cerificate of Mailing - Evers Response

OCCD SC 10-22-2020 Response

Comment: Governor's response due by 4 pm

OCCD SC 10-20-2020 Notice of Appearance

Comment: AG's Jurss, Hector and Bellavia added as counsel for Evers Notice of Appearance

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OCCD SC 10-19-2020 Fee Paid

Comment: Receipt No: 20R 002065

OCCD SC 10-16-2020 Court Order

IT IS ORDERED that respondent, Tony Evers, in his Official Capacity as the Governor of Wisconsin, shall file a response to the petition by 4:00 p.m. on Thursday, October 22, 2020. The response shall be filed as an attachment in pdf format to an email addressed to clerk@wicourts.gov. See Wis. Stat. 809.14, 809.80, and 809.81. The respondent shall also mail or deliver a paper original and 10 copies of the response to the clerk of this court with the following notation on the top of the first page: This document was previously filed via email.

OCCD SC 10-15-2020 Petition for an Original Action

Filed By: Matthew Fernholz
Submit Date: 10-15-2020
Decision: (G) Grant
Decision Date: 10-28-2020
ORD that the petition for leave to commence an original action is granted and this court assumes jurisdiction over this action; and FRO on or before 4:00 p.m. on November 2, 2020, the petitioner shall file a brief in this court; that on or before 4:00 p.m. on November 6, 2020, the respondent shall file a responsive brief; and that on or before 4:00 p.m. on November 9, 2020, the petitioner may file a reply brief or a statement that no reply brief will be filed. All briefs shall be filed as an attachment in pdf format to an email addressed to clerk@wicourts.gov. See Wis. Stat. 809.14, 809.80, and 809.81. The parties shall also ensure a paper original and 10 copies of the briefs are received by the clerk of this court within 24 hours of the electronic filing with the following notation on the top of the first page: This

document was previously filed via email; and
FRO that the parties briefs shall address the following additional issue:
If Executive Order #82 and Executive Order #90 are authorized by Wis. Stat. 323.10, whether that statute is an unconstitutional delegation of legislative power to the executive branch; and
FRO that any non-party that wishes to file a non-party brief amicus curiae must file a motion for leave of the court to file a non-party brief pursuant to the requirements of Wis. Stat. (Rule) 809.19(7).
Non-parties should also consult this courts Internal Operating Procedure III.B.6.c. concerning the nature of non-parties who may be granted leave to file a non-party brief. A proposed non-party brief must accompany the motion for leave to file it. Any proposed non-party brief shall not exceed 20 pages if a monospaced font is used or 4,400 words if a proportional serif font is used. Any motion for leave with the proposed non-p
Comment: Reply
