

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
PEND	SC			Awaiting Opinion/Decision
OCCD	SC	04-22-2024		Rsp. to Add'l/Supplemental Authorities
OCCD	SC	04-11-2024		Additional Authorities Comment: filed by Atty Diane Welsh
OCCD	SC	03-19-2024		Oral Argument Comment: 11:00 a.m. (State Capitol SC Hearing Room) Atty Joan Mannix for Brian Aish, and Atty Diane Welsh for Nancy Kindschy
OCCD	SC	03-11-2024		Other Brief Supplemental Reply Brief of Nancy Kindschy Filed By: Diane Welsh Comment: Supplemental Reply Brief of Nancy Kindschy
OCCD	SC	03-07-2024		Other Brief Supplemental Reply Brief of Brian Aish Filed By: Joan Mannix Comment: Supplemental Reply Brief of Brian Aish
OCCD	SC	02-29-2024		Notice of Appearance Comment: Notice of Appearance/Substitution of Counsel filed by DOJ
OCCD	SC	02-29-2024		Brief of Amicus Curiae Brief of Amicus Curiae (End Domestic Abuse Wisconsin) Filed By: Andrew Dufresne Comment: End Domestic Abuse Wisconsin
OCCD	SC	02-26-2024		Motion for Pro Hac Vice status 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

OCCD SC 02-26-2024

Motion for Pro Hac Vice status

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

OCCD SC 02-26-2024

Motion for Pro Hac Vice status

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

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

OCCD SC 02-26-2024

Other Brief

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

Filed By: Thomas Bellavia

Comment: Supplemental Brief of Amicus Curiae (DOJ)

OCCD SC 02-26-2024

Other Brief
[Supplemental Brief of Nancy Kindschy](#)

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

OCCD SC 02-26-2024

Other Brief
[Second Supplemental Brief of Brian Aish](#)

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

OCCD SC 02-15-2024

Fee Paid

Comment: Receipt No: 24R 000386

OCCD SC 02-05-2024

Court 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.).

OCCD SC 02-01-2024

Attorney Change

Comment: Notice of Withdrawal of Attorney Leslie A. Freehill

OCCD SC 08-31-2023

Other Brief
[Supplemental Reply Brief of Nancy Kindschy](#)

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

OCCD SC 08-31-2023

Notice of Appearance

OCCD SC 08-28-2023

Other Brief
[Supplemental Reply Brief of Brian Aish](#)

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

OCCD SC 08-17-2023

Brief of Amicus Curiae
[Brief of Amicus Curiae \(Wisconsin Department of Justice\)](#)

OCCD SC 08-17-2023

Other Brief
[Supplemental Brief of Nancy Kindschy](#)

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

OCCD SC 08-17-2023

Other Brief
[Supplemental Brief of Brian Aish](#)

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

OCCD SC 08-10-2023

Fee Paid

Comment: Receipt No: 23R 001938

OCCD SC 07-28-2023

Hold Status

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 DALLET 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

OCCD SC 02-03-2023

Court 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.

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.		

OCCD SC	11-28-2022	Response Brief-Supreme Court Substitute Response Brief-Supreme Court
Filed By: Diane Welsh		

OCCD SC	10-20-2022	Assigned-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.		

OCCD SC	09-16-2022	Reply Brief-Supreme Court Reply Brief-Supreme Court
Filed By: Dudley Williams		

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		

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

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
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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
[First Brief - Supreme Court](#)

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 Cites
401 Wis. 2d 406

OCCD CA 04-28-2022 Cites
973 N.W.2d 828

OCCD CA 04-28-2022 Opinion Ordered Published

OCCD CA	04-28-2022	Public Domain Citation
Comment: PDC No: 2022 WI App 17		
OCCD SC	04-18-2022	Notice of Appearance
OCCD SC	04-11-2022	Fee Paid
Comment: Receipt No: 22R 000803		
OCCD SC	04-07-2022	Petition for Review Response to Petition for Review Petition for Review
<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	Opinion/Decision
<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	Court Order
IT IS ORDERED that the opinion of January 25, 2022 is withdrawn. A revised opinion will be forthcoming.		
OCCD CA	01-25-2022	Opinion/Decision
<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	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

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)

[Brief of Petitioner-Respondent](#)

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 & Appx of Appellant(s)

[Respondent-Appellant's Brief](#)

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

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

OCCD CA 04-06-2021 Other Papers

Comment: Copy of 3/4/21 order e-filed by Atty Mannix

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.

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

OCCD CA 03-02-2021 Motion for Pro Hac Vice status

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.

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

OCCD CA 01-19-2021 Other Papers

Comment: Application for PHV Admission re: Joan Mannix

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

WSCCA Case History

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 Cir. Ct.
OCCD CA	09-09-2020	Order of Circuit Court