

# Wisconsin Supreme Court and Court of Appeals Case Access

## Wisconsin Manufacturers and Commerce v. Tony Evers

### Appeal Number 2020AP002081 - AC

**CONSOLIDATED** - [List of Consolidated Cases](#)  
Supreme Court

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	03-07-2023		Remittitur
OCCD	SC	01-24-2023		Public Domain Citation Comment: PDC No: 2023 WI 5
OCCD	SC	01-23-2023		Cites 984 N.W.2d 402
OCCD	SC	01-23-2023		Cites 405 Wis. 2d 478
OCCD	SC	06-29-2022		Letter/Correspondence Comment: Cover Letter to Intervenor-Appellant's Response to Motion for Reconsideration
OCCD	SC	06-21-2022		Certificate of Service Comment: Certificate of Service RE Motion for Reconsideration or Clarification and Supporting Memorandum
OCCD	SC	06-21-2022		Motion for Reconsideration Filed By: Scott Rosenow Submit Date: 6-29-2022 Decision: (D) Deny Decision Date: 1-23-2023 IT IS ORDERED that the motion for reconsideration is denied without costs. Motion Response Filed By: Clayton Kowski Submit Date: 6-29-2022 Motion Response Filed By: Thomas Kamenick Submit Date: 6-29-2022 Comment: or Clarification; State Defendants' Response to Motion for Reconsideration; Intervenor Appellant's Response to Motion for Reconsideration 01-23-2023 Order

OCCD	SC	06-07-2022	Cites
		401 Wis. 2d 699	
OCCD	SC	06-07-2022	Cites
		977 N.W.2d 374	
		Comment: Withdrawn: 974 N.W.2d 753	
OCCD	SC	06-07-2022	<a href="#">Opinion/Decision</a>
		Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky	
		Opinion: Opinion	
		Decision: Affirmed Pages: 15	
		Written by: Dallet, Rebecca F.	
		Ziegler, Annette K. Wrote Dissenting Opinion 18 pages.	
		Roggensack, Patience Drake Joined Dissenting Opinion	
		Bradley, Rebecca Grassl Joined Dissenting Opinion	
		Order Text: The decision of the court of appeals is affirmed.	
		Comment: Opinion/Decision - Supreme Court Opinion/Decision - Supreme Court Opinion/Decision - Supreme Court	
OCCD	SC	06-03-2022	Public Domain Citation
		Comment: PDC No: 2022 WI 38	
OCCD	SC	06-03-2022	Public Domain Citation
		Comment: PDC No: 2022 WI 38	
OCCD	SC	02-14-2022	Oral Argument
		Comment: 1st case, 9:45 a.m. (in the Capitol Hearing Room). Scott E. Rosenow for Plaintiffs-Respondents-Petitioners. Clayton Patrick Kawski for Defendants. Thomas Claire Kamenick for Intervenor-Appellant.	
OCCD	SC	01-13-2022	Briefs Received At State Law Library
OCCD	SC	12-30-2021	Assigned-Oral Argument
OCCD	SC	12-21-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae (Wisconsin Freedom of Information Council, et al.)</a>
		Filed By: Christa Westerberg	
		Comment: Wisconsin Freedom of Information Council, et al.	
OCCD	SC	12-15-2021	Reply Brief-Supreme Court <a href="#">Reply Brief - Supreme Court</a>
		Filed By: Scott Rosenow	
OCCD	SC	12-03-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae (Reporters Committee for Freedom of the Press,</a>

[et al.\)](#)

Filed By: Natalie Harris

Comment: Reporters Committe for Freedom of the Press, et al.

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OCCD SC 12-03-2021

Brief of Amicus Curiae

[Brief of Amicus Curiae \(NFIB et al\)](#)

Filed By: Lane Ruhland

Comment: NFIB et al

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OCCD SC 11-30-2021

Motion to File Amicus/Non-Party Brief

Filed By: Natalie Harris

Submit Date: 11-30-2021

Decision: (G) Grant

Decision Date: 12-3-2021

IT IS ORDERED that the motion is granted. The non-party brief is accepted for filing.

Comment: Reporters Committe for Freedom of the Press, et al.

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OCCD SC 11-29-2021

Motion to File Amicus/Non-Party Brief

Filed By: Christa Westerberg

Submit Date: 11-30-2021

Decision: (G) Grant

Decision Date: 12-3-2021

IT IS ORDERED that the motion is granted. Twenty-two copies of the brief shall be filed on or before December 22, 2021.

Comment: Wisconsin Freedom of Information Council, et al.

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OCCD SC 11-29-2021

Motion to File Amicus/Non-Party Brief

Filed By: Lane Ruhland

Submit Date: 11-30-2021

Decision: (G) Grant

Decision Date: 12-3-2021

IT IS ORDERED that the motion is granted. The non-party brief is accepted for filing.

Comment: NFIB et al.

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OCCD SC 11-17-2021

Notice of Appearance

Comment: Scott Rosenow for Petitioners

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OCCD SC 11-17-2021

Motion to Extend Time

Filed By: Scott Rosenow

Submit Date: 11-17-2021

Decision: (G) Grant

Decision Date: 11-19-2021

IT IS ORDERED that the motion is granted. Plaintiffs-respondents-petitioners' reply brief shall be filed on or before December 22, 2021.

See BR3 event due on 12-22-2021

Comment: Motion to Extend Time (BR3)

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OCCD SC 11-16-2021

Response Brief-Supreme Court

[Response Brief - Supreme Court \(State\)](#)

OCCD SC 11-16-2021 Response Brief-Supreme Court  
[Response Brief -Supreme Court \(Milwaukee Journal Sentinel\)](#)  
Comment: Milwaukee Journal Sentinel; Please note that the table of contents was corrected on all briefs. See Rule 809.19 regarding brief requirements.

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OCCD SC 10-27-2021 First Brief-Supreme Court  
[Opening Brief of Wisconsin Manufacturers and Commerce, Muskego Area Chamber of Commerce, and New Berlin Chamber of Commerce and Visitors Bureau](#)

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OCCD SC 09-28-2021 Motion to Extend Time  
Filed By: Ryan Walsh  
Submit Date: 9-28-2021  
Decision: (G) Grant  
Decision Date: 9-30-2021  
IT IS ORDERED that the motion is granted. The opening brief shall be filed by October 27, 2021.  
See BR1 event due on 10-27-2021  
Comment: Motion to Extend Time (BR1, 2) 09-30-2021 Order

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OCCD SC 09-28-2021 Certificate of Service  
Comment: 09-28-2021 motion to extend time served via e-mail 09-28-2021 Certificate of Service of 09-28-2021 motion

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OCCD SC 08-19-2021 Certificate of Service  
Comment: 08/19/2021 Motion to extend time served via electronic mail on 08/19/2021

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OCCD SC 08-19-2021 Motion to Extend Time  
Filed By: Ryan Walsh  
Submit Date: 8-19-2021  
Decision: (G) Grant  
Decision Date: 8-26-2021  
IT IS ORDERED that the motion is granted. The opening brief shall be filed by October 13, 2021.  
See BR1 event due on 10-13-2021  
Comment: Motion to Extend Time (BR1)

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OCCD SC 08-12-2021 Court Changed to Supreme Court

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OCCD CA 06-11-2021 Final Publication

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OCCD CA 05-26-2021 Cites  
398 Wis. 2d 164

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OCCD CA 05-26-2021 Cites  
960 N.W.2d 442

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OCCD CA 05-26-2021 Opinion Ordered Published

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OCCD CA 05-26-2021 Public Domain Citation

Comment: PDC No: 2021 WI App 35

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OCCD SC 05-20-2021 Motion for Miscellaneous Relief

Filed By: Ryan Walsh

Submit Date: 5-20-2021

Decision: (G) Grant

Decision Date: 5-21-2021

IT IS ORDERED that motion for leave to file a non-party brief amicus curiae is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the motion for leave to file a reply is granted, and the reply is accepted for filing.

Comment: Motion for leave to file reply to response to petition for review Motion for leave to file reply to response to petition for review 5/21/21 CTO

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OCCD SC 05-19-2021 Certificate of Filing by Mail

Comment: State's response to petition for review mailed via USPS 5/18/21

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OCCD SC 05-13-2021 Motion to File Amicus/Non-Party Brief

Filed By: Matthew Fernholz

Submit Date: 5-13-2021

Decision: (G) Grant

Decision Date: 5-21-2021

IT IS ORDERED that motion for leave to file a non-party brief amicus curiae is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the motion for leave to file a reply is granted, and the reply is accepted for filing.

Comment: Waukesha County Business Alliance, Oshkosh Chamber of Commerce, Racine Area Manufacturers and Commerce, Wisconsin Grocers Association, Venture Cooperative, and Wisconsin Dairy Alliance Motion to File Amicus Brief - Waukesha County Business Alliance

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OCCD SC 05-13-2021 Motion for Miscellaneous Relief

Filed By: Lane Ruhland

Submit Date: 5-13-2021

Decision: (G) Grant

Decision Date: 5-17-2021

IT IS ORDERED that the motion of the Waukesha County Business Alliance, et al., is held in abeyance pending receipt of the brief that the motion requests permission to file. Wisconsin Stat. (Rule) 809.19(7)(b) states that the brief "shall accompany the motion and shall be filed within the time permitted for the opposing party to file a response to the petition [review]."

IT IS FURTHER ORDERED that the motion of the NFIB Small Business Legal Center is granted, and the brief is accepted for filing.

Comment: Motion to file brief in support of petition

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OCCD SC 05-04-2021 Fee Paid

Comment: Receipt No: 21R 001001

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OCCD SC 05-04-2021

Petition for Review

[Reply Brief in Support of Petition for Review](#)

[Brief of Non-Parties Waukesha County Business Alliance](#)

[Response to Petition for Review - State](#)

[Response to PRE - Milwaukee Journal Sentinel](#)

[NFIB ltr brief in support of PRE](#)

[Petition for Review](#)

Filed By: Ryan Walsh

Submit Date: 5-21-2021

Decision: (G) Grant

Decision Date: 8-12-2021

IT IS ORDERED that the petition for review is granted.

Motion Response

Filed By: Lane Ruhland

Submit Date: 5-21-2021

Motion Response

Filed By: Matthew Fernholz

Submit Date: 5-21-2021

Motion Response

Filed By: Thomas Kamenick

Submit Date: 5-21-2021

Motion Response

Filed By: Clayton Kowski

Submit Date: 5-21-2021

Motion Response

Filed By: Ryan Walsh

Submit Date: 5-21-2021

Comment: 8-12-2021 Order

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OCCD CA 04-16-2021

Briefs Received At State Law Library

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OCCD CA 04-06-2021

Errata Issued

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OCCD CA 04-05-2021

[Opinion/Decision](#)

Judge Panel: Fitzpatrick, Blanchard, Kloppenburg

Opinion: Opinion

Decision: Reversed and remanded Pages: 25

Written by: Kloppenburg, JoAnne F.

Order Text: Orders reversed and causes remanded with directions. ERRATA ISSUED.

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OCCD CA 03-31-2021

Additional Authorities

Comment: Additional Authorities

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OCCD CA 03-24-2021

Oral Argument

Comment: Clayton Kowski and Thomas Kamenick split time for defendant-appellant Ryan Walsh for defendant-respondent

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OCCD CA 03-22-2021

Briefs Sent to District

Comment: Amicus Brief Reporters Committee for Freedoms of the Press, etc.

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OCCD	CA	03-22-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae (Freedom of the Press, etc.)</a>
Comment: Reporters Committee for Freedoms of the Press, etc. Separate appendix. Note that the caption has been corrected on this brief. Please note the party designation on the caption was corrected on the covers of all briefs. Please use the above caption on all future briefs. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief. Please include this certification in all briefs.			
OCCD	CA	03-19-2021	Briefs Sent to District
OCCD	CA	03-19-2021	Certificate of Filing by Mail Comment: BAM Gannett Co. (IB) - mailed 3/18/2021
OCCD	CA	03-19-2021	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae (Gannett Co., Inc., etc.)</a> Comment: Gannett Co., Inc.
OCCD	CA	03-17-2021	Assigned-Oral Argument
OCCD	CA	03-16-2021	Motion to File Amicus/Non-Party Brief Filed By: April Barker Submit Date: 3-16-2021 Decision: (G) Grant Decision Date: 3-17-2021 IT IS ORDERED that Gannett Co., Inc. shall file its non-party brief on or before March 19, 2021. Comment: Gannett Co., Inc., d/b/a USA TODAY NETWORK-WISCONSIN, d/b/a Green bay Press-Gazette, and Doug Schneider Motion to File Amicus/Non-Party Brief (Gannett Co., Inc., d/b/a USA TODAY NETWORK-WISCONSIN, d/b/a Green bay Press-Gazette, and Doug Schneider)
OCCD	CA	03-15-2021	Motion to File Amicus/Non-Party Brief Filed By: Natalie Harris Submit Date: 3-16-2021 Decision: (G) Grant Decision Date: 3-16-2021 IT IS ORDERED that the motion is granted. IT IS FURTHER ORDERED that the amici shall file their non-party brief and separate appendix on or before March 19, 2021. Comment: Reporters Committee for Freedom of the Press and 13 Media Organizations
OCCD	CA	03-15-2021	Record and Briefs Sent to District 4
OCCD	CA	03-12-2021	Certificate of Filing by Mail Comment: BRY Tony Evers, Andrea Palm, Joel Brennan - mailed 03/12/2021
OCCD	CA	03-12-2021	Reply Brief <a href="#">Reply Brief (Milwaukee Journal Sentinel)</a> Filed By: Thomas Kamenick

OCCD CA 03-12-2021 Reply Brief  
[Reply Brief \(Evers, Palm, Brennan\)](#)

Filed By: Anthony Russomanno

Comment: Tony Evers, Andrea Palm, Joel Brennan

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OCCD CA 03-09-2021 Brief of Amicus Curiae  
[Brief of Amicus Curiae \(National Federation of Independent Business, Wisconsin Restaurant Association, Restaurant Law Center\)](#)

Comment: National Federation of Independent Business, Wisconsin Restaurant Association, Restaurant Law Center

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OCCD CA 03-09-2021 Brief of Amicus Curiae  
[Brief of Amicus Curiae \(Waukesha County Business Alliance, Oshkosh Chamber of Commerce, etc.\)](#)

Comment: Waukesha County Business Alliance, Oshkosh Chamber of Commerce, Racine Area Manufacturers and Commerce, Wisconsin Grocers Association, Venture Cooperative, Wisconsin Dairy Alliance

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OCCD CA 03-03-2021 Motion to File Amicus/Non-Party Brief

Filed By: Matthew Fernholz

Submit Date: 3-3-2021

Decision: (G) Grant

Decision Date: 3-9-2021

IT IS ORDERED that the non-party briefs are accepted for filing.

Comment: Waukesha County Business Alliance, Oshkosh Chamber of Commerce, Racine Area Manufacturers and Commerce, Wisconsin Grocers Association, Venture Cooperative, Wisconsin Dairy Alliance

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OCCD CA 03-02-2021 Certificate of Service

Comment: BRS(IB) - mailed on 3/2/2021

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OCCD CA 03-02-2021 Motion to File Amicus/Non-Party Brief

Filed By: Robert Fassbender

Submit Date: 3-2-2021

Decision: (G) Grant

Decision Date: 3-9-2021

IT IS ORDERED that the non-party briefs are accepted for filing.

Comment: National Federation of Independent Business, Wisconsin Restaurant Association, Restaurant Law Center

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OCCD CA 03-02-2021 Brief of Respondent(s)  
[Brief of Respondents](#)

Filed By: Ryan Walsh

Comment: Note that the caption has been corrected on this brief. Please use the above caption on all future briefs.

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OCCD CA 02-19-2021 Sua Sponte

Filed By: Anthony Russomanno

Submit Date: 2-19-2021

Decision: (N) No Action

Decision Date: 2-19-2021

No action.

Comment: Request to substitute party

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OCCD CA 02-17-2021 Certificate of Filing by Mail

Comment: Appellant's brief 10 copies mailed 02-16-2021.

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OCCD CA 02-17-2021 Brief & Appx of Appellant(s)

[Brief of Appellant \(Tony Evers, Andrea Palm, Joel Brennan\)](#)

Comment: Tony Evers, Andrea Palm, Joel Brennan

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OCCD CA 02-16-2021 Brief & Appx of Appellant(s)

[Brief of Appellant \(Milwaukee Journal Sentinel\)](#)

Comment: Milwaukee Journal Sentinel

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OCCD CA 02-11-2021 Court Order

IT IS ORDERED that oral argument shall be held on Wednesday, March 24, 2021, at 10:00 a.m. Counsel will receive instructions from the Court the week of March 15 regarding the procedures for appearing remotely.

Comment: Court Order (Oral Argument)

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OCCD CA 02-11-2021 Caption Amended

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OCCD CA 02-01-2021 Sealed Documents

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OCCD CA 02-01-2021 Record

Comment: 1-14 to 99-1 ELECTRONICALLY FILED Record Filing Notice

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OCCD CA 01-28-2021 Court Reporter's Statement-Trans.

Court Reporter Name: (Humpal, Cheryl)

Comment: Court Reporter's Statement-Trans.

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OCCD CA 01-27-2021 Statement on Transcript

Filed By: Thomas Kamenick

Status: Ordered

Comment: Milwaukee Journal Sentinel Statement on Transcript (Milwaukee Journal Sentinel)

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OCCD CA 01-26-2021 Transcript filed in Circuit Court

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OCCD CA 01-25-2021 Notif. Sent-Filing of LVO & Court Record

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OCCD	CA	01-25-2021	Copy of Order Granting Leave - from Cir. Ct. Comment: Copy of CTO Grtg. PLV-from Cir. Ct.
OCCD	CA	01-21-2021	Copy of CTO Grtg. PLV Filed in Cir. Ct.
OCCD	CA	01-20-2021	Statement on Transcript Filed By: Clayton Kawski Status: Ordered Comment: Governor Evers, Secretary-designee Palm, and Secretary Brennan
OCCD	CA	01-20-2021	Consolidated Case Comment: [2020AP002081, 2020AP002103]
OCCD	CA	01-04-2021	Fee Paid Comment: Invoice No: 19670; Receipt No: 21R 000004
OCCD	CA	01-04-2021	Invoice Issued Comment: Invoice No: 19670
OCCD	CA	12-28-2020	Letter/Correspondence Comment: Designation of District Letter from Thomas Kamenick
OCCD	CA	12-23-2020	Transfer to District IV
OCCD	CA	12-23-2020	Transfer District Designation
OCCD	CA	12-18-2020	Court Order for Filing Fee Issued
OCCD	CA	12-17-2020	Petition for Leave to Appeal Filed By: Thomas Kamenick Submit Date: 1-4-2021 Decision: (G) Grant Decision Date: 1-20-2021 IT IS ORDERED that the petitions for leave to appeal are granted. The entry of this order has the effect of the filing of notices of appeal. WIS. STAT. RULE 809.50(3). A copy of this order will be forwarded to the clerk of the circuit court. Pursuant to WIS. STAT. RULE 809.11(2), the clerk of the circuit court or responsible court official shall return the copy of the order granting these petitions and the trial court record of the case maintained pursuant to WIS. STAT. 59.40, to the clerk of this court within three calendar days of receipt of the order. IT IS FURTHER ORDERED that these appeals are consolidated for briefing and disposition. IT IS FURTHER ORDERED that the appellants need not file docketing statements. IT IS FURTHER ORDERED that the appellants shall file statements on transcript by January 25, 2021. IT IS FURTHER ORDERED that the court reporter shall file any additional transcript requested within eight calendar days of the date of this order. IT IS FURTHER ORDERED that the clerk of the circuit court shall transmit the record within five calendar days after the filing of the last statement on transcript, if no additional transcripts are ordered, or within five calendar days after the filing of the last transcript. IT IS FURTHER ORDERED that the appellants may file separate briefs, but the respondents shall file

one combined brief responding to both appellants briefs.

IT IS FURTHER ORDERED that the appellants briefs shall be filed within fifteen calendar days after the record is filed in this court. The respondents brief shall be filed within fifteen calendar days after filing of the last appellant brief. The reply briefs shall be filed within ten calendar days after filing of the respondents brief.

IT IS FURTHER ORDERED that the clerk of this court shall add the designation AC to indicate that these appeals are accelerated.

Motion Res

Comment: PLV w/ appendix; Response w/ Appendix; DOJ Response

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OCCD CA 12-04-2020

Non-Final Order of Circuit Court

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