

# Wisconsin Supreme Court and Court of Appeals Case Access

**Bryant Stempski v. Janel Heinrich**

**Appeal Number 2021AP001434 - OA**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	12-05-2022		Fee Paid
Comment: Receipt No: 22R 002747				
OCCD	SC	12-05-2022		Invoice Issued
Comment: Invoice No: 20500				
OCCD	SC	10-04-2021		Remittitur
OCCD	SC	08-27-2021		Opinion/Decision
Opinion: Per Curiam Decision: Denied Pages: 11 Order Text: IT IS ORDERED that the petition for leave to commence an original action is denied; and IT IS FURTHER ORDERED that the motion for temporary injunctive relief is dismissed because the court is not exercising its original jurisdiction. ANNETTE KINGSLAND ZIEGLER, C.J. (dissenting). I dissent because, once again, this court abdicates its responsibility to "say what the law is."1 Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803). REBECCA GRASSL BRADLEY joins this dissent. PATIENCE DRAKE ROGGENSACK, J. (dissenting). On Tuesday, August 17, 2021 at 10:28 a. m., Janel Heinrich, acting as the health officer for Madison and Dane County, issued a very broad masking order that became effective Thursday, August 19, 2021 at 12:01 a.m. Her order was issued without notice or an opportunity to be heard. REBECCA GRASSL BRADLEY, J. (dissenting). Without offering any explanation to the people of Wisconsin who elected them, a majority of this court shirks its institutional responsibility to decide yet another case alleging an unlawful deprivation of liberty. ANNETTE KINGSLAND ZIEGLER joins this dissent.				
OCCD	SC	08-26-2021		Motion for Miscellaneous Relief
Filed By: Daniel Lennington Submit Date: 8-26-2021 Decision: (G) Grant Decision Date: 8-27-2021 IT IS ORDERED that the motion is granted, and the reply memorandum is accepted for filing. Comment: Petitioner's Motion to File Reply to POA and MST				
OCCD	SC	08-24-2021		Notice of Appearance

OCCD SC 08-24-2021

Response

Comment: Response to petition due by respondents by 12:00pm, responses shall be emailed and 10 paper copies filed within 24 hours of electronic filing - per CTO of 8/19/21. response filed 8/24/21 as ordered.

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OCCD SC 08-19-2021

Court Order

IT IS ORDERED that respondents, Janel Heinrich, Dane County, City of Madison, and Public Health of Madison & Dane County, shall file a response to the petition by 12:00 p.m. on Tuesday, August 24, 2021. 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 respondents shall also ensure a paper original and 10 copies of the response are received by the clerk 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."

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OCCD SC 08-18-2021

Fee Paid

Comment: Receipt No: 21R 001902

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OCCD SC 08-18-2021

Motion for Stay

Filed By: Daniel Lennington

Submit Date: 8-18-2021

Decision: (M) Dismiss

Decision Date: 8-27-2021

IT IS ORDERED that the petition for leave to commence an original action is denied; and

IT IS FURTHER ORDERED that the motion for temporary injunctive relief is dismissed because the court is not exercising its original jurisdiction.

ANNETTE KINGSLAND ZIEGLER, C.J. (dissenting). I dissent because, once again, this court abdicates its responsibility to "say what the law is." 1 Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803).

REBECCA GRASSL BRADLEY joins this dissent.

PATIENCE DRAKE ROGGENSACK, J. (dissenting). On Tuesday, August 17, 2021 at 10:28 a. m., Janel Heinrich, acting as the health officer for Madison and Dane County, issued a very broad masking order that became effective Thursday, August 19, 2021 at 12:01 a.m. Her order was issued without notice or an opportunity to be heard.

REBECCA GRASSL BRADLEY, J. (dissenting). Without offering any explanation to the people of Wisconsin who elected them, a majority of this court shirks its institutional responsibility to decide yet another case alleging an unlawful deprivation of liberty.

ANNETTE KINGSLAND ZIEGLER joins this dissent.

Comment: emergency motion for stay - needed by 12:01am 8/19/21

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OCCD SC 08-18-2021

Petition for an Original Action

Filed By: Daniel Lennington

Submit Date: 8-18-2021

Decision: (D) Deny

Decision Date: 8-27-2021

IT IS ORDERED that the petition for leave to commence an original action is denied; and

IT IS FURTHER ORDERED that the motion for temporary injunctive relief is dismissed because the court is not exercising its original jurisdiction.

ANNETTE KINGSLAND ZIEGLER, C.J. (dissenting). I dissent because, once again, this court abdicates its responsibility to "say what the law is." 1 Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803).

REBECCA GRASSL BRADLEY joins this dissent.

PATIENCE DRAKE ROGGENSACK, J. (dissenting). On Tuesday, August 17, 2021 at 10:28 a. m.,

Janel Heinrich, acting as the health officer for Madison and Dane County, issued a very broad masking order that became effective Thursday, August 19, 2021 at 12:01 a.m. Her order was issued without notice or an opportunity to be heard.

REBECCA GRASSL BRADLEY, J. (dissenting). Without offering any explanation to the people of Wisconsin who elected them, a majority of this court shirks its institutional responsibility to decide yet another case alleging an unlawful deprivation of liberty.

ANNETTE KINGSLAND ZIEGLER joins this dissent.

Motion Response

Filed By: Remzy Bitar

Submit Date: 8-24-2021

Motion Response

Filed By: Daniel Lennington

Submit Date: 8-27-2021

Comment: Response to Petition for an Original Action Reply in Support of Petition for an Original Action

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