

# Wisconsin Supreme Court and Court of Appeals Case Access

**Joshua L. Kaul v. Frederick Prehn**

**Appeal Number 2021AP001673**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-08-2022		Remittitur
OCCD	SC	06-29-2022		Cites
		976 N.W.2d 821		
OCCD	SC	06-29-2022		Cites
		402 Wis. 2d 539		
OCCD	SC	06-29-2022		<a href="#">Opinion/Decision</a>
		Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky		
		Opinion: Opinion		
		Decision: Affirmed Pages: 33		
		Written by: Ziegler, Annette K.		
		Dallet, Rebecca F. Wrote Dissenting Opinion 16 pages.		
		Bradley, Ann Walsh Joined Dissenting Opinion		
		Karofsky, Jill Joined Dissenting Opinion		
		Order Text: The judgment and the order of the circuit court are affirmed.		
		Comment: Opinion/Decision - Supreme Court		
OCCD	SC	06-28-2022		Public Domain Citation
		Comment: PDC No: 2022 WI 50		
OCCD	SC	05-16-2022		Certificate of Filing by Mail
		Comment: re: Notice of Withdrawal for AAG Hector		
OCCD	SC	05-10-2022		Other Papers
		Comment: Notice of Withdrawal as Counsel for AAG Colin A. Hector; rcv'd add'l paper copies 5/11/22; rcv'd add'l paper copies 5/16/22		
OCCD	SC	03-10-2022		Oral Argument
		Comment: at 9:45, second case (in the Capitol Hearing Room). Gabe Johnson-Karp for Plaintiff-Appellant. Mark Maciolek for Defendant-Respondent. Ryan J. Walsh for		

OCCD	SC	03-09-2022	Additional Authorities Comment: Filed by Attorney Ryan Walsh on behalf of Wisconsin Legislature
OCCD	SC	02-18-2022	Briefs Received At State Law Library
OCCD	SC	02-14-2022	Other Papers Comment: ret. mail; 2/4/22 CTO; Reply Brief Ack. for Daniel Suhr, remailed to updated address
OCCD	SC	02-11-2022	Brief of Amicus Curiae <a href="#">Amicus Brief - American Federation of Teachers-Wisconsin</a> <a href="#">Appendix to Amicus Brief of American Federation of Teachers-Wisconsin</a>  Filed By: Scott Thompson Comment: American Federation of Teachers-Wisconsin. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief.
OCCD	SC	01-31-2022	Reply Brief-Supreme Court <a href="#">BR3 - State of Wisconsin's Reply Brief</a>  Filed By: 39939 (Johnson-Karp, Gabe)
OCCD	SC	01-30-2022	Letter/Correspondence Comment: Cover letter filing BR3
OCCD	SC	01-20-2022	Assigned-Oral Argument
OCCD	SC	01-20-2022	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae (Humane Society of the US and Center for Biological Diversity)</a>  Filed By: Christa Westerberg Comment: Humane Society of the United States and the Center for Biological Diversity Brief of Amicus Curiae (Humane Society of the US and Center for Biological Diversity)
OCCD	SC	01-19-2022	Motion to File Amicus/Non-Party Brief Filed By: Christa Westerberg Submit Date: 1-19-2022 Decision: (G) Grant Decision Date: 1-20-2022 IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The brief filed with the motion is accepted as filed. Comment: Humane Society of the United States and the Center for Biological Diversity
OCCD	SC	01-19-2022	Motion to File Amicus/Non-Party Brief Filed By: Scott Thompson Submit Date: 1-19-2022 Decision: (O) Other

Decision Date: 2-4-2022

IT IS ORDERED that the motion for leave to file a non-party brief is granted as to the American Federation of Teachers-Wisconsin only. Twenty-two copies of the brief shall be filed on or before February 11, 2022. If any other non-party wishes to file a non-party brief or to join the non-party brief filed by the American Federation of Teachers-Wisconsin, that non-party must seek leave of the court.  
Comment: American Federation of Teachers - Wisconsin (AFT-WI)

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OCCD	SC	01-14-2022	Motion to Extend Time
Filed By: 39939 (Johnson-Karp, Gabe) Submit Date: 1-19-2022 Decision: (G) Grant Decision Date: 2-4-2022 IT IS ORDERED that the motion for an expansion of the word limit is granted, with the word limit of the reply brief not to exceed 4,500 words; and IT IS FURTHER ORDERED that the motion for an extension of time is granted. Plaintiff-appellant's reply brief is accepted for filing as of January 31, 2022. See BR3 event due on 1-20-2022 Comment: MXT to file BR3/Increase word limit			

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OCCD	SC	01-05-2022	Response Brief-Supreme Court <a href="#">BR2 - Dr. Frederick Prehn</a>
Filed By: Mark Maciolek Comment: Dr. Frederick Prehn			

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OCCD	SC	01-05-2022	Response Brief-Supreme Court <a href="#">BR2 - Wisconsin Legislature</a>
Filed By: Ryan Walsh Comment: Wisconsin Legislature			

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OCCD	SC	12-22-2021	Motion to File Amicus/Non-Party Brief
Filed By: Daniel Suhr Submit Date: 12-22-2021 Decision: (D) Deny Decision Date: 1-11-2022 IT IS ORDERED that the motion is denied. Comment: Motion to File Amicus/Non-Party Brief			

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OCCD	SC	12-16-2021	Letter/Correspondence
Comment: Letter - State's cover letter filing BR1 1/11/22 SC Order			

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OCCD	SC	12-16-2021	Caption Amended
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OCCD	SC	12-16-2021	First Brief-Supreme Court <a href="#">BR1 First Brief - Supreme Court</a>
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OCCD	SC	11-18-2021	Notice of Appearance
Comment: Atty. Adam J. Meyers appearing for DEF-RES Frederick Prehn			

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OCCD	SC	11-18-2021	Notice of Appearance
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OCCD	SC	11-17-2021	Letter/Correspondence
Comment: copy; AAG Johnson-Karp letter updating status in case 21AP1610, refers to petition to bypass being granted. SC order			

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OCCD	SC	11-16-2021	Court Changed to Supreme Court
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OCCD	CA	11-16-2021	Hold Status
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OCCD	SC	11-09-2021	Motion for Miscellaneous Relief
Filed By: Ryan Walsh Submit Date: 11-16-2021 Decision: (G) Grant Decision Date: 11-16-2021 ORD the petition to bypass is granted, and the appeal is accepted for consideration in this court; and FRO that the motion of the Wisconsin Legislature for leave to file a reply memorandum in support of its motion for intervention is now pending before this court and is granted, and the proposed reply memorandum is accepted for filing; and FRO that the Wisconsin Legislatures motion for intervention is now pending before this court and will be addressed in a forthcoming order; and FRO that within 30 days after the date of this order the appellant must file a brief in this court; that within 20 days of filing the respondent must file a brief; and that within 10 days of filing the appellant must file either a reply brief or a statement that no reply brief will be filed; FRO that the parties will be notified of the date and time for oral argument in this appeal in due course. Comment: Motion for leave to file reply brief in support of petition to intervene, Initially filed in CA, transferred to SC when bypass granted (11/16/21)			

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OCCD	CA	11-09-2021	Motion for Miscellaneous Relief
Filed By: Ryan Walsh Submit Date: 11-9-2021 Decision: (N) No Action Decision Date: 11-16-2021 No action. (Initially filed in CA transferred to SC when bypass granted) Comment: Motion for leave to file reply brief in support of petition to intervene, Initially filed in CA, transferred to SC when bypass granted (11/16/21)			

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OCCD	CA	11-03-2021	Letter/Correspondence
Comment: State's response to affidavit of no service from Atty. Walsh.			

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OCCD	CA	11-03-2021	Affidavit of No Service filed
Comment: Atty. Walsh has not received State's response to motion to intervene, advises a motion to respond will be filed			

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OCCD	CA	10-27-2021	Court Order
IT IS ORDERED that the petition to intervene is held in abeyance pending action by the Wisconsin Supreme Court. IT IS FURTHER ORDERED that the State shall notify this court within five business days following the disposition of the petition for bypass in this matter.			

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OCCD CA 10-26-2021 Other Papers  
Comment: Non-Party Wis. Legislatures response to the State's PYB

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OCCD SC 10-26-2021 Motion for Miscellaneous Relief  
Filed By: Ryan Walsh  
Submit Date: 10-26-2021  
Decision: (G) Grant  
Decision Date: 10-29-2021  
IT IS ORDERED the motion is granted, and the attached proposed memorandum of law in opposition to the petition for bypass is accepted for filing.  
Comment: 10/29/21 Court Order

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OCCD SC 10-20-2021 Letter/Correspondence  
Comment: Non-party Wis. Legislature by Ryan Walsh advise it will soon be filing a motion for leave to file a non-party brief opposing the petition to bypass and a non-party brief opposing the petition to bypass.

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OCCD CA 10-14-2021 Record  
Comment: 1-9 to 61-1, ELECTRONICALLY FILED

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OCCD SC 09-29-2021 Motion to Intervene  
[The Wisconsin Legislature's Reply in Support of its Petition to Intervene](#)  
  
Filed By: Ryan Walsh  
Submit Date: 11-16-2021  
Decision: (G) Grant  
Decision Date: 12-16-2021  
IT IS ORDERED that the Legislatures motion to intervene is granted. The court agrees that permissive intervention is appropriate and reserves for another day whether the Legislature would be entitled to intervene under Wis. Stat. 803.09(2m). The Wisconsin Legislature shall be added to the review in this court as a defendant-respondent and, as such, shall file its primary brief in accord with the briefing schedule set forth in this courts November 16, 2021 order granting bypass.  
Motion Response  
Filed By: 39939 (Johnson-Karp, Gabe)  
Submit Date: 11-16-2021  
Motion Response  
Filed By: Ryan Walsh  
Submit Date: 11-17-2021  
Motion Response  
Filed By: 39939 (Johnson-Karp, Gabe)  
Submit Date: 11-24-2021  
Comment: Initially filed in CA, transferred to SC when bypass granted (11/16/21)

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OCCD CA 09-29-2021 Motion to Intervene  
Filed By: Ryan Walsh  
Submit Date: 9-29-2021  
Decision: (N) No Action  
Decision Date: 11-16-2021  
No action. (Initially filed in CA transferred to SC when bypass granted)  
Motion Response

Filed By: 39939 (Johnson-Karp, Gabe)

Submit Date: 10-11-2021

Comment: Wisconsin Legislature Response to the Motion to Intervene; Initially filed in CA, transferred to SC when bypass granted (11/16/21)

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OCCD SC 09-27-2021

Petition to Bypass

[WI Legislature's Opposition to the State's Petition for Bypass](#)

Filed By: 39939 (Johnson-Karp, Gabe)

Submit Date: 10-12-2021

Decision: (G) Grant

Decision Date: 11-16-2021

IT IS ORDERED the petition to bypass is granted, and the appeal is accepted for consideration in this court; and

IT IS FURTHER ORDERED that the motion of the Wisconsin Legislature for leave to file a reply memorandum in support of its motion for intervention is now pending before this court and is granted, and the proposed reply memorandum is accepted for filing; and

IT IS FURTHER ORDERED that the Wisconsin Legislatures motion for intervention is now pending before this court and will be addressed in a forthcoming order; and

IT IS FURTHER ORDERED that within 30 days after the date of this order the appellant must file a brief in this court; that within 20 days of filing the respondent must file a brief; and that within 10 days of filing the appellant must file either a reply brief or a statement that no reply brief will be filed; and IT IS FURTHER ORDERED that the parties will be notified of the date and time for oral argument in this appeal in due course.

REBECCA GRASSL BRADLEY, J. (concurring). I concur with the court's decision in this case to grant the Attorney General's petition to bypass the court of appeals; the respondent joins the request for this court to expedite appellate review. This case presents purely legal issues of statutory interpretation, which implicate the separation of powers. I write separately to highlight the court's inconsistency in following its purported practice of denying petitions to bypass prior to the filing of briefs in the court of appeals, which it sometimes deems "premature" except when it doesn't. [...] I am authorized to state that ANNETTE KINGSLAND ZIEGLER, C.J., and PATIENCE DRAKE ROGGENSACK, J., join this concurrence.

REBECCA FRANK DALLET, J. (concurring). I write separately to clarify the reasons for granting the petition for bypass even though the parties have yet to file their principal briefs with th

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OCCD CA 09-24-2021

Notice of Docketing of Appeal

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OCCD CA 09-24-2021

Transfer to District I

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OCCD CA 09-24-2021

Transfer District Designation

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OCCD CA 09-23-2021

Statement on Transcript

Filed By: 39939 (Johnson-Karp, Gabe)

Status: Prev. Filed

Comment: Statement on Transcript

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OCCD CA 09-23-2021

Notice of Appeal & Circuit Court Docket Entries

Comment: Notice of Appeal Circuit Court Docket

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OCCD CA 09-23-2021

Docketing Statement from Appellant

Comment: Docketing Statement from Appellant

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WSCCA Case History

OCCD CA 09-20-2021

Notice of Appeal filed in Cir. Ct.

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OCCD CA 09-17-2021

Order of Circuit Court

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