

Wisconsin Supreme Court and Court of Appeals Case Access

Josh Kaul v. Joel Urmanski, as DA for Sheboygan County, WI

Appeal Number 2023AP002362

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	SC			Awaiting Assignment
PEND	CA		02-27-2024	Brief & Appendix of Appellant(s) Comment: stayed per 2/22/24 CTO
PEND	SC		08-01-2025	Remittitur
OCCD	SC	07-02-2025		Opinion/Decision Judge Panel: Ziegler, Bradley, Bradley, Dallet, Hagedorn, Karofsky, Protasiewicz Opinion: Opinion Decision: Affirmed Pages: 17 Written by: Dallet, Rebecca Frank Karofsky, Jill J. Wrote Concurring Opinion 10 pages. Ziegler, Annette K. Wrote Dissenting Opinion 8 pages. Bradley, Rebecca Grassl Wrote Dissenting Opinion 18 pages. Hagedorn, Brian K. Wrote Dissenting Opinion 24 pages. Bradley, Rebecca Grassl Joined Dissenting Opinion Order Text: The judgment and order of the circuit court is affirmed.
OCCD	SC	07-01-2025		Public Domain Citation Comment: PDC No: 2025 WI 32
OCCD	SC	04-07-2025		Other Papers Comment: Notice of Withdrawal (Russomanno)
OCCD	SC	11-11-2024		Oral Argument Comment: 9:45 a.m. (State Capitol, Supreme Court Hearing Room); Matthew J. Thome for Defendant-Appellant, Hannah S. Jurss for Plaintiffs-Respondents, Diane Welsh for Intervenor-Respondents, Samuel J. Leib for Defendant-Respondent(John T. Chrisholm), Carly Gerards for Defendant-Respondent(Ismael R. Ozanne)
OCCD	SC	10-14-2024		Motion for Miscellaneous Relief

Filed By: Douglas Poland
Submit Date: 10-14-2024
Decision: (G) Grant
Decision Date: 10-21-2024

IT IS ORDERED that the motion is granted. Oral argument time for the oral argument on November 11, 2024, shall be allocated as follows. D.A. Urmanski shall present argument first and shall be granted a total of 50 minutes of argument time. D.A. Urmanski may reserve up to ten minutes of his argument time for rebuttal. Plaintiffs-respondents, Attorney General Josh Kaul, the Wisconsin Department of Safety and Professional Services, the Wisconsin Medical Examining Board, and Clarence P. Chou, M.D., shall be granted 20 minutes of argument time. Intervenor-respondents shall be granted 20 minutes of argument time. D.A. Chisholm shall be granted five minutes of argument time. D.A. Ozanne shall be granted five minutes of argument time. Rebuttal by D.A. Urmanski shall follow argument by D.A. Ozanne.

Comment: Motion for Additional Oral Argument Time

OCCD SC 09-30-2024 Other Papers
Comment: Returned Mail - Acknowledgement of Filing of Brief

OCCD SC 09-30-2024 [Reply Brief-Supreme Court](#)
[Reply Brief \(Joel Urmanski\)](#)
Filed By: Matthew Thome

OCCD SC 09-26-2024 Assigned for Oral Argument

OCCD SC 09-20-2024 Sua Sponte
Filed By: Elizabeth Pierson
Submit Date: 9-24-2024
Decision: (G) Grant
Decision Date: 9-24-2024
IT IS ORDERED that the motion is granted. Intervenor Physicians' amended response brief, electronically submitted on September 20, 2024, is accepted as filed.
Comment: Letter re Correction to Brief (Physicians)

OCCD SC 09-20-2024 Motion to Extend Time
Filed By: Matthew Thome
Submit Date: 9-20-2024
Decision: (G) Grant
Decision Date: 9-24-2024
IT IS ORDERED that the motion is granted. Defendant-appellant's reply brief shall be served and filed on or before September 30, 2024.
See BR3 event due on 9-30-2024

OCCD SC 09-19-2024 [Brief of Amicus Curiae/Non-Party](#)
[Amicus/Non-Party Brief \(Local Elected Officials in Wisconsin\)](#)
Filed By: Sarah Zylstra
Comment: Local Elected Officials in Wisconsin

OCCD SC 09-19-2024 [Brief of Amicus Curiae/Non-Party](#)
[Amicus/Non-Party Brief \(American College of Obstetricians and Gynecologists, the American Medical Association, the Wisconsin](#)

[Medical Society, and the Society for Maternal-Fetal Medicine\)](#)

Filed By: Breanne Snapp

Comment: American College of Obstetricians and Gynecologists, the American Medical Association, the Wisconsin Medical Society, and the Society for Maternal-Fetal Medicine

OCCD SC 09-19-2024

Brief of Amicus Curiae/Non-Party

[Amicus/Non-Party Brief \(Association of Prosecuting Attorneys\)](#)

Filed By: Tamar Kelber

Comment: Association of Prosecuting Attorneys

OCCD SC 09-19-2024

Other Papers

Comment: Notice of Pro Hac Vice Admission (Saharsky)

OCCD SC 09-19-2024

Motion to File Amicus/Non-Party Brief

Filed By: Breanne Snapp

Submit Date: 9-19-2024

Decision: (G) Grant

Decision Date: 9-19-2024

IT IS ORDERED that the motions for leave to file non-party briefs are granted, and the proposed briefs submitted with the motions are accepted as filed; and,

IT IS FURTHER ORDERED that the motion to admit Attorneys Rosenthal and Singh of the Public Rights Project, and also to admit Attorneys Landers, Shrieves, Dale, Ruthberg, and Beckwith of Proskauer Rose LLP, is granted. Attorneys appearing pro hac vice must satisfy the requirements of Supreme Court Rule 10.03(4).

Comment: American College of Obstetricians and Gynecologists, the American Medical Association, the Wisconsin Medical Society, and the Society for Maternal-Fetal Medicine

OCCD SC 09-18-2024

Motion to File Amicus/Non-Party Brief

Filed By: Sarah Zylstra

Submit Date: 9-19-2024

Decision: (G) Grant

Decision Date: 9-19-2024

IT IS ORDERED that the motions for leave to file non-party briefs are granted, and the proposed briefs submitted with the motions are accepted as filed; and,

IT IS FURTHER ORDERED that the motion to admit Attorneys Rosenthal and Singh of the Public Rights Project, and also to admit Attorneys Landers, Shrieves, Dale, Ruthberg, and Beckwith of Proskauer Rose LLP, is granted. Attorneys appearing pro hac vice must satisfy the requirements of Supreme Court Rule 10.03(4).

Comment: Local Elected Officials in Wisconsin

OCCD SC 09-18-2024

Notice of Appearance

Comment: Attorney Zylstra for Council Member Cassi Benedict, City Councilor Aaron Brewster, Mayor Mitchel Craig, Luke Diaz, City Councilor Larry Mboga, and Mayor Satya Rhodes-Conway

OCCD SC 09-18-2024

Motion for Pro Hac Vice Admission

Filed By: Sarah Zylstra

Submit Date: 9-19-2024

Decision: (G) Grant

Decision Date: 9-19-2024

IT IS ORDERED that the motions for leave to file non-party briefs are granted, and the proposed briefs

submitted with the motions are accepted as filed; and,
IT IS FURTHER ORDERED that the motion to admit Attorneys Rosenthal and Singh of the Public Rights Project, and also to admit Attorneys Landers, Shrieves, Dale, Ruthberg, and Beckwith of Proskauer Rose LLP, is granted. Attorneys appearing pro hac vice must satisfy the requirements of Supreme Court Rule 10.03(4).

OCCD SC 09-18-2024 Motion to File Amicus/Non-Party Brief
Filed By: Tamar Kelber
Submit Date: 9-18-2024
Decision: (G) Grant
Decision Date: 9-19-2024
IT IS ORDERED that the motions for leave to file non-party briefs are granted, and the proposed briefs submitted with the motions are accepted as filed; and,
IT IS FURTHER ORDERED that the motion to admit Attorneys Rosenthal and Singh of the Public Rights Project, and also to admit Attorneys Landers, Shrieves, Dale, Ruthberg, and Beckwith of Proskauer Rose LLP, is granted. Attorneys appearing pro hac vice must satisfy the requirements of Supreme Court Rule 10.03(4).
Comment: Association of Prosecuting Attorneys

OCCD SC 09-13-2024 Letter/Correspondence
Comment: Letter re Counsel of Record (Zylstra)

OCCD SC 09-11-2024 Response Brief-Supreme Court
[Amended Response Brief- Supreme Court \(Physicians\)](#)
[Response Brief- Supreme Court \(Physicians\)](#)
Filed By: Diane Welsh
Comment: Christopher J. Ford, Kristin J. Lyerly and Jennifer J. McIntosh (Physicians)

OCCD SC 09-11-2024 Response Brief-Supreme Court
[Response Brief- Supreme Court \(Ismael R. Ozanne\)](#)
Filed By: Douglas Poland
Comment: Ismael R. Ozanne

OCCD SC 09-11-2024 Response Brief-Supreme Court
[Response Brief- Supreme Court \(John T. Chisholm\)](#)
Filed By: Samuel Leib
Comment: John T. Chisholm

OCCD SC 09-11-2024 Response Brief-Supreme Court
[Response Brief- Supreme Court \(Josh Kaul, Wisconsin Department of Safety and Professional Services, Wisconsin Medical Examining Board and Clarence P. Chou, MD\)](#)
Filed By: Hannah Jurss
Comment: Josh Kaul, Wisconsin Department of Safety and Professional Services, Wisconsin Medical Examining Board and Clarence P. Chou, MD

OCCD SC 09-10-2024 Notice of Appearance
Comment: Attorney Pawlisch for Ismael Ozanne

OCCD	SC	08-15-2024	Notice of Appearance Comment: Attorney Hipsman for Plaintiffs-Respondents
OCCD	SC	08-13-2024	Notice of Appearance Comment: Attorney Pierson for Intervenor-Respondents
OCCD	SC	08-12-2024	First Brief-Supreme Court Brief of Appellant Filed By: Matthew Thome
OCCD	SC	07-17-2024	Notice of Appearance Comment: Attorney Gibson for Plaintiffs-Respondents
OCCD	SC	07-02-2024	Court Changed to Supreme Court
OCCD	CA	07-02-2024	Hold Status
OCCD	CA	04-30-2024	Other Papers Comment: Notice of Withdrawal (Murphy)
OCCD	SC	03-12-2024	Brief of Amicus Curiae/Non-Party Amicus Brief of Wisconsin Right to Life in Response to Petition to Bypass Filed By: Luke Berg Comment: Wisconsin Right to Life, Wisconsin Family Action, and Pro-Life Wisconsin
OCCD	SC	03-12-2024	Notice of Appearance Comment: Attorney Berg for Proposed Intervenor Wisconsin Right to Life, Wisconsin Family Action, and Pro-Life Wisconsin
OCCD	SC	03-12-2024	Motion to Intervene Brief in Support of Conditional Motion to Intervene of Wisconsin Right to Life, Wisconsin Family Action, and Pro-Life Wisconsin Filed By: Luke Berg Submit Date: 3-12-2024 Decision: (O) Other Decision Date: 7-2-2024 IT IS ORDERED that defendant-appellant's petition to bypass is granted, the appeal is accepted for consideration in this court, and the defendant-appellant may not raise or argue issues not set forth in the petition to bypass unless otherwise ordered by the court; and IT IS FURTHER ORDERED that District Attorneys Ismael R. Ozanne and John T. Chisolm shall be designated as defendants-respondents on appeal; and IT IS FURTHER ORDERED that the State Plaintiffs' supplemental petition to bypass is denied, and the parties' briefs in this case should not address whether the Wisconsin Constitution contains a right to obtain a consensual medical abortion; and IT IS FURTHER ORDERED that the Proposed Intervenor's conditional motion to intervene is denied, but their alternative motion for leave to file a non-party brief amici curiae in response to the supplemental petition to bypass is granted, and the proposed brief in response to the supplemental

petition to bypass is accepted for filing and has been considered by the court; and
IT IS FURTHER ORDERED that, within 40 days of the date of this order, defendant-appellant must file a brief in this court, and within 30 days of filing all parties to the case wishing to respond must file separate response briefs. Each principal brief shall not exceed 70 pages if a monospaced font is used or 15,400 words if a proportional serif font is used. Within 10 days of filing of the response briefs, the defendant-appellant must file either a single reply brief or a statement that no reply brief will be filed. The reply brief shall not exceed 20 pages if a monospaced font is used or 4,400 words if a proportional serif font is used; and

IT IS FURTHER ORDERED that any non-party that wishes to file a non-party brief amicus curiae relating to the issues listed in the petition to bypass must file a motion for leave of the court to file a non-party
Comment: Conditional Motion to Intervene of Wisconsin Right to Life, Wisconsin Family Action, and Pro-Life Wisconsin

OCCD CA 02-26-2024 Notice of Appearance
Comment: Attorney Samuel J. Leib as Counsel for John T. Chisolm

OCCD CA 02-22-2024 Notice of Appearance
Comment: Attorney Westerberg for Intervenors-Respondents

OCCD CA 02-21-2024 Fee Paid
Comment: Invoice No: 20897; Receipt No: 24R 000437

OCCD CA 02-21-2024 Invoice Issued
Comment: Invoice No: 20897; Petition to Bypass

OCCD CA 02-20-2024 Other Papers
Comment: Notice of Withdrawal (Curtis)

OCCD SC 02-20-2024 Order
IT IS ORDERED that unless within ten (10) days of the date of this order, the filing fee is received by the clerk of the supreme court, the action will be subject to dismissal under Rule 809.83.
Comment: 2-20-2024 Court Order

OCCD SC 02-20-2024 Petition to Bypass
Filed By: Matthew Thome
Submit Date: 2-20-2024
Decision: (G) Grant
Decision Date: 7-2-2024
IT IS ORDERED that defendant-appellant's petition to bypass is granted, the appeal is accepted for consideration in this court, and the defendant-appellant may not raise or argue issues not set forth in the petition to bypass unless otherwise ordered by the court; and
IT IS FURTHER ORDERED that District Attorneys Ismael R. Ozanne and John T. Chisolm shall be designated as defendants-respondents on appeal; and
IT IS FURTHER ORDERED that the State Plaintiffs' supplemental petition to bypass is denied, and the parties' briefs in this case should not address whether the Wisconsin Constitution contains a right to obtain a consensual medical abortion; and
IT IS FURTHER ORDERED that the Proposed Intervenors' conditional motion to intervene is denied, but their alternative motion for leave to file a non-party brief amici curiae in response to the supplemental petition to bypass is granted, and the proposed brief in response to the supplemental

petition to bypass is accepted for filing and has been considered by the court; and
 IT IS FURTHER ORDERED that, within 40 days of the date of this order, defendant-appellant must file a brief in this court, and within 30 days of filing all parties to the case wishing to respond must file separate response briefs. Each principal brief shall not exceed 70 pages if a monospaced font is used or 15,400 words if a proportional serif font is used. Within 10 days of filing of the response briefs, the defendant-appellant must file either a single reply brief or a statement that no reply brief will be filed. The reply brief shall not exceed 20 pages if a monospaced font is used or 4,400 words if a proportional serif font is used; and
 IT IS FURTHER ORDERED that any non-party that wishes to file a non-party brief amicus curiae relating to the issues listed in the petition to bypass must file a motion for leave of the court to file a

OCCD CA 02-20-2024 Motion to Extend Time

Filed By: Matthew Thome

Submit Date: 2-20-2024

Decision: (G) Grant

Decision Date: 2-22-2024

IT IS ORDERED that the motion to stay briefing is granted. In the event that the Wisconsin Supreme Court denies the appellants petition to bypass, the appellant's brief will be due fourteen days after the date of denial.

IT IS FURTHER ORDERED that, within five days of the date of this order, Attorneys Aaron Douglas Birnbaum, Brenden M. Leib, Carly Gerads and Clementine Uwabera shall either opt in to participate in the Court of Appeals electronic filing system for this case or provide this court with an explanation for not doing so. See WIS. STAT. RULE 809.801.

See BAP event due on 2-27-2024

OCCD CA 02-02-2024 Other Papers

Comment: Notice of Withdrawal of Attorney Leslie A. Freehill

OCCD CA 01-18-2024 Record

Comment: ELECTRONICALLY FILED

OCCD CA 12-29-2023 Statement on Transcript

Filed By: Matthew Thome

Status: Prev. Filed

OCCD CA 12-20-2023 Fee Paid

Comment: Receipt No: 23R 003140

OCCD CA 12-20-2023 Notice of Docketing of Appeal

OCCD CA 12-20-2023 Transfer to District II

OCCD CA 12-20-2023 Transfer District Designation

Comment: District II

OCCD CA 12-20-2023 Letter/Correspondence

Comment: Letter to Clerk re Appeal Venue

WSCCA Case History

OCCD CA 12-20-2023 Other Papers

Comment: Copy of Circuit Court Docket

OCCD CA 12-20-2023 Notice of Appeal & Circuit Court Docket Entries

OCCD CA 12-20-2023 Docketing Statement from Appellant

OCCD CA 12-19-2023 Notice of Appeal filed in Circuit Court

OCCD CA 12-05-2023 Order of Circuit Court
