

Wisconsin Supreme Court and Court of Appeals Case Access

Priorities USA v. Wisconsin Elections Commission

Appeal Number 2024AP000164

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	SC			Awaiting Opinion/Decision
PEND	SC			Awaiting Assignment
PEND	CA		04-08-2024	Brief & Appendix of Appellant(s) Comment: Petition to Bypass GRANTED, per 3-12-2024 Court Order of the Supreme Court
RECV	CA	02-20-2024		Motion for Miscellaneous Relief Filed By: Steven Kilpatrick Submit Date: 2-20-2024 Motion Response Filed By: Diane Welsh Submit Date: 3-4-2024 Motion Response Filed By: Misha Tseytlin Submit Date: 3-4-2024 Comment: Motion to Change Venue; HELD IN ABEYANCE pending further order, per 3-12-2024 Court Order of the Supreme Court
OCCD	SC	05-13-2024		Oral Argument Comment: 9:45 a.m. (State Capitol, Supreme Court Hearing Room); David R. Fox for Plaintiff-Appellant-Petitioner, Erin Deeley for Intervenor-Appellant, Faye Hipsman for Defendant-Respondent, Misha Tseytlin for Intervenor-Respondent
OCCD	SC	05-08-2024		Brief of Amicus Curiae Brief of Amicus Curiae (Common Cause Wisconsin) Filed By: Jason Myatt Comment: Common Cause Wisconsin Brief of Amicus Curiae (Common Cause Wisconsin)
OCCD	SC	05-08-2024		Brief of Amicus Curiae Brief of Amicus Curiae (Teigen, Thom, and AMAC) Filed By: Nathalie Burmeister Comment: Richard Teigen, Richard Thom, and the Association of Mature American Citizens, Inc.

OCCD SC 05-08-2024 Motion to File Amicus/Non-Party Brief

Filed By: Jason Myatt

Submit Date: 5-8-2024

Decision: (G) Grant

Decision Date: 5-8-2024

IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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' copy of this order.

Comment: Common Cause Wisconsin

OCCD SC 05-08-2024 Motion for Pro Hac Vice status

Filed By: Jason Myatt

Submit Date: 5-8-2024

Decision: (G) Grant

Decision Date: 5-8-2024

IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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:

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Comment: Narayan Narasimhan

OCCD SC 05-08-2024 Motion for Pro Hac Vice status

Filed By: Jason Myatt

Submit Date: 5-8-2024

Decision: (G) Grant

Decision Date: 5-8-2024

IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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' copy of this order.

Comment: Zachary Goldstein

OCCD SC 05-08-2024 Motion for Pro Hac Vice status

Filed By: Jason Myatt

Submit Date: 5-8-2024

Decision: (G) Grant

Decision Date: 5-8-2024

IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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' copy of this order.

Comment: Mark J. Cherry

OCCD SC	05-08-2024	Motion for Pro Hac Vice status
<p>Filed By: Jason Myatt Submit Date: 5-8-2024 Decision: (G) Grant Decision Date: 5-8-2024 IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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' copy of this order. Comment: Gregg J. Costa</p>		
OCCD SC	05-07-2024	Notice of Appearance
<p>Comment: Thomas R. McCarthy and Conor Woodfin as co-counsel for Amicus Parties The RNC, The RPW and RITE PAC</p>		
OCCD SC	05-06-2024	Motion to File Amicus/Non-Party Brief
<p>Filed By: Nathalie Burmeister Submit Date: 5-6-2024 Decision: (G) Grant Decision Date: 5-8-2024 IT IS ORDERED that the motions for leave to file non-party briefs as amici curiae are granted. The proposed briefs submitted with the motions are accepted as filed as of the date of this order; and IT IS 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' copy of this order. Comment: Richard Teigen, Richard Thom, and the Association of Mature American Citizens, Inc. (Teigen, Thom, and AMAC)</p>		
OCCD SC	05-06-2024	Brief of Amicus Curiae Brief of Amicus Curiae (DRW-LWVWI-WFVFJ)
<p>Filed By: Scott Thompson Comment: Disability Rights Wisconsin, League of Women Voters of Wisconsin, Wisconsin Faith Voices for Justice (DRW-LWVWI-WFVFJ)</p>		
OCCD SC	05-06-2024	Reply Brief-Supreme Court Reply Brief-Supreme Court (Governor Tony Evers)
<p>Filed By: Erin Deeley Comment: Governor Tony Evers; to be filed by 5:00pm; must file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure (See Wis. Stat. (Rule) 809.19(8)(c)2)</p>		
OCCD SC	05-06-2024	Reply Brief-Supreme Court Reply Brief-Supreme Court (Priorities USA et al.)
<p>Filed By: Diane Welsh Comment: Priorities USA et al.; to be filed by 5:00pm; must file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure (See Wis. Stat. (Rule) 809.19(8)(c)2)</p>		

OCCD SC 05-03-2024 Motion to File Amicus/Non-Party Brief
Filed By: Scott Thompson
Submit Date: 5-3-2024
Decision: (G) Grant
Decision Date: 5-6-2024
IT IS ORDERED that the motion is granted. The proposed brief submitted with the motion is accepted as filed as of the date of this order.
Comment: Disability Rights Wisconsin, League of Women Voters of Wisconsin, Wisconsin Faith Voices for Justice

OCCD SC 05-03-2024 Brief of Amicus Curiae
[Brief of Amicus Curiae \(The RNC, the RPW, and RITE PAC\)](#)
Filed By: Matthew Fernholz
Comment: The RNC, the RPW, and RITE PAC Brief of Amicus Curiae (The RNC, the RPW, and RITE PAC)

OCCD SC 05-03-2024 Motion to File Amicus/Non-Party Brief
Filed By: Matthew Fernholz
Submit Date: 5-3-2024
Decision: (G) Grant
Decision Date: 5-3-2024
IT IS ORDERED that the motion is granted. The proposed brief submitted with the motion is accepted as filed as of the date of this order.
Comment: Republican National Committee, the Republican Party of Wisconsin, and RITE PAC (The RNC, the RPW, and RITE PAC)

OCCD SC 04-24-2024 Letter/Correspondence
Comment: Affidavit of Faye B. Hipsman RE Service of Response Brief-Supreme Court (Wisconsin Elections Commission) and Appendix

OCCD SC 04-24-2024 Brief of Amicus Curiae
[Brief of Amicus Curiae \(Center for Election Confidence \(CEC\)\)](#)
Filed By: Lane Ruhland
Comment: Center for Election Confidence (CEC)

OCCD SC 04-24-2024 Motion to File Amicus/Non-Party Brief
Filed By: Lane Ruhland
Submit Date: 4-24-2024
Decision: (G) Grant
Decision Date: 4-24-2024
IT IS ORDERED that the motion for leave to file a non-party brief as amicus curiae is granted. The proposed brief submitted with the motion is accepted as filed as of the date of this order; and
IT IS ORDERED that the motion for admission of Attorney Graham Provost pro hac vice is 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 attorney's copy of this order.
Comment: Center for Election Confidence (CEC)

OCCD SC 04-24-2024 Motion for Pro Hac Vice status

Filed By: Graham Provost

Submit Date: 4-24-2024

Decision: (G) Grant

Decision Date: 4-24-2024

IT IS ORDERED that the motion for leave to file a non-party brief as amicus curiae is granted. The proposed brief submitted with the motion is accepted as filed as of the date of this order; and IT IS ORDERED that the motion for admission of Attorney Graham Provost pro hac vice is 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 attorney's copy of this order.

Comment: Graham Provost

OCCD SC 04-24-2024

Response Brief-Supreme Court

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

Comment: Wisconsin State Legislature; to be filed by 5:00pm, not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used

OCCD SC 04-24-2024

Response Brief-Supreme Court

[Response Brief-Supreme Court \(Wisconsin Elections Commission\)](#)

Filed By: Charlotte Gibson

Comment: Wisconsin Elections Commission; to be filed by 5:00pm, not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used

OCCD SC 04-22-2024

Notice of Appearance

Comment: Mel Barnes as co-counsel for Gov. Tony Evers

OCCD SC 04-19-2024

Notice of Appearance

Comment: Christine P. Sun and Zack Goldberg as co-counsel for Gov. Tony Evers

OCCD SC 04-19-2024

Brief of Amicus Curiae

[Brief of Amicus Curiae \(Wisconsin Election Officials\)](#)

Filed By: Nicholas Fairweather

Comment: Wisconsin Election Officials

OCCD SC 04-18-2024

Motion to File Amicus/Non-Party Brief

Filed By: Nicholas Fairweather

Submit Date: 4-19-2024

Decision: (G) Grant

Decision Date: 4-19-2024

IT IS ORDERED that the motion is granted. The proposed brief submitted with the motion is accepted as filed as of the date of this order.

Comment: Wisconsin Election Officials

OCCD SC 04-03-2024

Motion for Pro Hac Vice status

Filed By: Erin Deeley

Submit Date: 4-3-2024

Decision: (G) Grant

Decision Date: 4-18-2024

IT IS ORDERED that the motion to intervene is granted. The opening merits brief and appendix accompanying the motion are accepted as filed; and

IT IS FURTHER ORDERED that the briefing schedule previously established by this court's March 12, 2024 order is hereby modified as follows: By no later than 5:00 p.m. on April 24, 2024, defendant-respondent, Wisconsin Elections Commission, and intervenor-respondent, Wisconsin State Legislature, must each file a response brief not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used. By no later than 5:00 p.m. on May 6, 2024, plaintiffs-appellants, Priorities USA et al., and intervenor-appellant, Governor Tony Evers, must each file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure. See Wis. Stat. (Rule) 809.19(8)(c)2; and

IT IS FURTHER ORDERED that the motions for pro hac vice admission 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; and

IT IS FURTHER ORDERED that, within five days of the date of this order, all attorneys representing Governor Evers shall register for access to the Wisconsin appellate court electronic filing system and shall opt in as attorneys on this case. Wis. Stat. (Rule) 809.801(3).

Comment: Christine P. Sun

OCCD SC 04-03-2024

Motion for Pro Hac Vice status

Filed By: Erin Deeley

Submit Date: 4-3-2024

Decision: (G) Grant

Decision Date: 4-18-2024

IT IS ORDERED that the motion to intervene is granted. The opening merits brief and appendix accompanying the motion are accepted as filed; and

IT IS FURTHER ORDERED that the briefing schedule previously established by this court's March 12, 2024 order is hereby modified as follows: By no later than 5:00 p.m. on April 24, 2024, defendant-respondent, Wisconsin Elections Commission, and intervenor-respondent, Wisconsin State Legislature, must each file a response brief not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used. By no later than 5:00 p.m. on May 6, 2024, plaintiffs-appellants, Priorities USA et al., and intervenor-appellant, Governor Tony Evers, must each file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure. See Wis. Stat. (Rule) 809.19(8)(c)2; and

IT IS FURTHER ORDERED that the motions for pro hac vice admission 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; and

IT IS FURTHER ORDERED that, within five days of the date of this order, all attorneys representing Governor Evers shall register for access to the Wisconsin appellate court electronic filing system and shall opt in as attorneys on this case. Wis. Stat. (Rule) 809.801(3).

Comment: Zack Goldberg

OCCD SC 04-02-2024

Sua Sponte

Filed By: Unassigned District 4

Submit Date: 4-2-2024

Decision: (O) Other

Decision Date: 4-18-2024

IT IS ORDERED that the motion to intervene is granted. The opening merits brief and appendix accompanying the motion are accepted as filed; and

IT IS FURTHER ORDERED that the briefing schedule previously established by this court's March 12, 2024 order is hereby modified as follows: By no later than 5:00 p.m. on April 24, 2024, defendant-respondent, Wisconsin Elections Commission, and intervenor-respondent, Wisconsin State Legislature, must each file a response brief not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used. By no later than 5:00 p.m. on May 6, 2024,

plaintiffs-appellants, Priorities USA et al., and intervenor-appellant, Governor Tony Evers, must each file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure. See Wis. Stat. (Rule) 809.19(8)(c)2; and
IT IS FURTHER ORDERED that the motions for pro hac vice admission 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; and
IT IS FURTHER ORDERED that, within five days of the date of this order, all attorneys representing Governor Evers shall register for access to the Wisconsin appellate court electronic filing system and shall opt in as attorneys on this case. Wis. Stat. (Rule) 809.801(3).
Comment: Proposed Brief and Appendix of Appellant (Governor Tony Evers)

OCCD SC 04-01-2024 First Brief-Supreme Court
[First Brief-Supreme Court \(Governor Tony Evers\)](#)
Filed By: Erin Deeley
Comment: Governor Tony Evers; accepted via 4-18-2024 Court Order

OCCD SC 04-01-2024 Motion to Intervene
Filed By: Erin Deeley
Submit Date: 4-2-2024
Decision: (G) Grant
Decision Date: 4-18-2024
IT IS ORDERED that the motion to intervene is granted. The opening merits brief and appendix accompanying the motion are accepted as filed; and
IT IS FURTHER ORDERED that the briefing schedule previously established by this court's March 12, 2024 order is hereby modified as follows: By no later than 5:00 p.m. on April 24, 2024, defendant-respondent, Wisconsin Elections Commission, and intervenor-respondent, Wisconsin State Legislature, must each file a response brief not exceeding 60 pages if a monospaced font is used, or 13,200 words if a proportional serif font is used. By no later than 5:00 p.m. on May 6, 2024, plaintiffs-appellants, Priorities USA et al., and intervenor-appellant, Governor Tony Evers, must each file either a single reply brief or a statement that no reply brief will be filed, with the length of any reply brief conforming to the length limit set by the Rules of Appellate Procedure. See Wis. Stat. (Rule) 809.19(8)(c)2; and
IT IS FURTHER ORDERED that the motions for pro hac vice admission 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; and
IT IS FURTHER ORDERED that, within five days of the date of this order, all attorneys representing Governor Evers shall register for access to the Wisconsin appellate court electronic filing system and shall opt in as attorneys on this case. Wis. Stat. (Rule) 809.801(3).
Comment: Governor Tony Evers; Brief in Support of Motion to Intervene (Governor Tony Evers)

OCCD SC 04-01-2024 First Brief-Supreme Court
[First Brief-Supreme Court \(Priorities USA, Wisconsin Alliance for Retired Americans and William Franks, Jr.\)](#)
Filed By: Diane Welsh
Comment: Priorities USA, Wisconsin Alliance for Retired Americans and William Franks, Jr.

OCCD SC 03-13-2024 Assigned-Oral Argument

OCCD SC 03-12-2024 Court Changed to Supreme Court

OCCD	CA	03-12-2024	Hold Status
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OCCD	CA	03-05-2024	Other Papers
			Comment: Notice of Withdrawal (Bellavia)
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OCCD	CA	02-28-2024	Record
			Comment: ELECTRONICALLY FILED
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OCCD	SC	02-12-2024	Fee Paid
			Comment: Invoice No: 20883; Receipt No: 24R 000330
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OCCD	SC	02-12-2024	Invoice Issued
			Comment: Invoice No: 20883
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OCCD	SC	02-09-2024	Petition to Bypass
			Filed By: David Fox
			Submit Date: 2-9-2024
			Decision: (G) Grant
			Decision Date: 3-12-2024
			IT IS ORDERED that the petition to bypass is granted and the appeal is accepted for consideration in this court. The court, however, will consider only the following issue, and the plaintiffs-appellants may not raise or argue issues not set forth in this order:
			Whether to overrule the Courts holding in Teigen v. Wisconsin Elections Commission, 2022 WI 64, 403 Wis. 2d 607, 976 N.W.2d 519, that Wis. Stat. 6.87 precludes the use of secure drop boxes for the return of absentee ballots to municipal clerks; and
			IT IS FURTHER ORDERED that all other issues in the appeal are held in abeyance pending further order of the court; and
			IT IS FURTHER ORDERED that, within 20 days of the date of this order, the plaintiffs-appellants must file a brief in this court; within 20 days of filing, defendant-respondent and intervenor-respondent must file response briefs; and within 10 days of filing of the response briefs, the plaintiffs-appellants must file either a single reply brief or a statement that no reply brief will be filed; and
			IT IS FURTHER ORDERED that oral argument in this matter will take place on May 13, 2024, at 9:45 a.m.
			REBECCA GRASSL BRADLEY, J., dissents.
			Chief Justice ANNETTE KINGSLAND ZIEGLER joins dissent.
			Motion Response
			Filed By: Steven Kilpatrick
			Submit Date: 2-23-2024
			Motion Response
			Filed By: Misha Tseytlin
			Submit Date: 2-23-2024
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OCCD	CA	02-06-2024	Court Reporter's Statement-Trans.
			Court Reporter Name: (Seymour, Meredith)
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OCCD	CA	02-06-2024	Other Papers
			Comment: Notice of Reporter Regarding Filing of Transcript from CR Meredith Seymour; 10/31/23
			Transcript filed with Circuit Court on 11/14/23
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OCCD	CA	02-06-2024	Statement on Transcript
Filed By: Diane Welsh			Status: Ordered
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OCCD	CA	02-02-2024	Notice of Appearance
Comment: Attorney Justin Baxenberg as Counsel for Priorities USA, Wisconsin Alliance for Retired Americans, and William Franks, Jr.			
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OCCD	CA	02-02-2024	Notice of Appearance
Comment: Attorney Omeed Alerasool as Counsel for Priorities USA, Wisconsin Alliance for Retired Americans and William Franks, Jr.			
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OCCD	CA	02-01-2024	Docketing Statement from Appellant
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OCCD	CA	01-31-2024	Notice of Docketing of Appeal
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OCCD	CA	01-31-2024	Fee Paid
Comment: Receipt No: 24R 000252			
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OCCD	CA	01-31-2024	Delinquent
Comment: New due date of connected DSA: 2-7-2024			
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OCCD	CA	01-31-2024	Other Papers
Comment: Copy of Circuit Court Docket			
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OCCD	CA	01-31-2024	Notice of Appeal & Circuit Court Docket Entries
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OCCD	CA	01-30-2024	Notice of Appeal filed in Cir. Ct.
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OCCD	CA	01-29-2024	Order of Circuit Court
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OCCD	CA	11-14-2023	Transcript filed in Circuit Court
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