

Wisconsin Supreme Court and Court of Appeals Case Access

Marilyn Casanova v. Michael S. Polsky, Esq.

Appeal Number 2019AP001728

CONSOLIDATED
Supreme Court

SUMMARY

| Short Caption | Status | Maintenance |
|--|---------------|-------------|
| Marilyn Casanova v. Michael S. Polsky, Esq. | CL | |
| Class | Court | |
| Other - Debtor Actions | Supreme Court | |
| Disposition | County | |
| Reversed 03-16-2023 | Racine | |

Circuit Court Case Numbers

| Case Number | Circuit Court Judge | Responsible Circuit Court Judge |
|--------------|---------------------|---------------------------------|
| 2017CV001133 | Piontek, Michael J. | Piontek, Michael J. |

Consolidated Case Numbers

| Case Number | Caption | Filing Date |
|------------------------------|---|-------------|
| 2019AP001728 | Marilyn Casanova v. Michael S. Polsky, Esq. | 09-16-2019 |
| 2019AP002063 | Marilyn Casanova v. Michael S. Polsky, Esq. | 10-31-2019 |

Parties and Attorneys

| Side Party Name | Party Type(s) | Attorney(s) | Address |
|---------------------|---------------|---|--|
| 1 Casanova, Marilyn | Appellant | Becker, John A. Devine, Thomas M. Cohen, Anne | 822 Wisconsin Avenue Racine, WI 53401-1526 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 Fox, Audrey J. | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |

| | | | | |
|---|----------------------------------|-----------|-------------------|--|
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Miritz, Melvin | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Miritz, Linda | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Edward and Louise Langleib Trust | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Musson, Carleton | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Milovancevic, Wilma | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Taylor, Helen | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Louis P. Teicheret Trust | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Marks, Frederick | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas | 840 Lake Ave., Ste. 300 |

| | | | | |
|---|---------------------|-----------|----------------------|--|
| | | | M. | Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Marks, Jewel | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Meier, Patricia | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Teernstra, Patricia | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Mikaelian, Andrew | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Mikaelian, Marcella | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Brooks, Josephine | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Odell, Evelyn | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Freer, Laurence | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |

| | | | | |
|---|------------------------|-----------|-------------------|--|
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Kohl, Dorothy | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Boerger, Karen | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Williamson, Jacqueline | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Glowinski, Judy | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Tredwell, Anne | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Baham, Marilyn | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Gotzman, Elsie | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Ciaramita, Lucille | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |

| | | | | |
|---|-----------------|-----------|-------------------|--|
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Ramaker, Joanne | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Sander, Johanna | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Eser, Thomas | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Eser, Henryetta | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Nelson, Grace | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Odders, Jane | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Nelson, David | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Katt, Ray | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 |

| | | | | |
|---|------------------|-----------|-------------------|--|
| | | | | Racine, WI 53403 |
| 1 | Katt, Louise | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Hader, Ethel | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Larsen, Warren | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Larsen, Ellen | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Scott, Frances | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Prouty, Susan | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Rainey, Robert | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Rainey, Patricia | Appellant | Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 |
| | | | Devine, Thomas M. | 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 |
| | | | Cohen, Anne | 840 Lake Ave., Ste. 300 Racine, WI 53403 |

| | | | | |
|---|--|--------------------------|--|--|
| 2 | Polsky, Michael S., Esq. | Respondent Petitioner | Polsky, Michael S. Peltz, Joseph M. | 330 E. Kilbourn Ave. #1085 Milwaukee, WI 53202 330 E. Kilbourn Ave., Ste. 1085 Milwaukee, WI 53202 |
| 2 | The Bank of New York Mellon Trust Company, N.A. | Respondent Petitioner | Andres, Carla O. Stadler, Katherine West, Erin A. | 100 W. Lawrence Street Appleton, WI 54911 1 E. Main St., Ste. 500 Madison, WI 53703 P.O. Box 2719 Madison, WI 53701-2719 |
| 1 | Eckheart, Helen | Appellant | Becker, John A. Devine, Thomas M. Cohen, Anne | 822 Wisconsin Avenue Racine, WI 53401-1526 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Wiser, Wilma | Appellant | Becker, John A. Devine, Thomas M. Cohen, Anne | 822 Wisconsin Avenue Racine, WI 53401-1526 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Christianson, Earl | Appellant | Becker, John A. Devine, Thomas M. Cohen, Anne | 822 Wisconsin Avenue Racine, WI 53401-1526 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Bloch, Marian | Appellant | Becker, John A. Devine, Thomas M. Cohen, Anne | 822 Wisconsin Avenue Racine, WI 53401-1526 840 Lake Ave., Ste. 300 Racine, WI 53403-1566 840 Lake Ave., Ste. 300 Racine, WI 53403 |
| 1 | Krikorian, Var | Claimant Appellant | | |
| 1 | Minton, Ruth | Claimant Appellant | | |
| 1 | Minton, Richard | Claimant Appellant | | |
| 1 | Steidl, Walter | Claimant Appellant | | |
| 1 | Miller, Irene | Claimant Appellant | | |
| 1 | Kornwolf, Marian | Claimant Appellant | | |
| 1 | Speckhard, Marjorie | Claimant Appellant | | |

| | | |
|---|-----------------------------|-----------------------|
| 1 | Torphy, Delores | Claimant Appellant |
| 1 | Baumblatt, Geraldine | Claimant Appellant |
| 1 | Peterson, Joan | Claimant Appellant |
| 1 | Rowland, John | Claimant Appellant |
| 1 | Rowland, Julianne | Claimant Appellant |
| 1 | Pavelcik, Lorraine | Claimant Appellant |
| 1 | Iselin, Marilyn | Claimant Appellant |
| 1 | Reiker, Metta | Claimant Appellant |
| 1 | White, Prudence | Claimant Appellant |
| 1 | Oetlinger, Elaine | Claimant Appellant |
| 1 | Wulff, Esther | Claimant Appellant |
| 1 | Veenstra, Helen | Claimant Appellant |
| 1 | Larson, Rev. Dr. Ross Henry | Claimant Appellant |
| 1 | Fred and Nancy Flofer | Claimant Appellant |
| 1 | Wiser, Winifried | Claimant Appellant |
| 1 | Bagdasian, Nazaly | Claimant Appellant |
| 1 | Callaway, Robert | Claimant Appellant |
| 1 | Estate of Elaine Zlevor | Claimant Appellant |
| 1 | Cushman, Marshall | Claimant Appellant |
| 1 | Braun, Bernard | Claimant Appellant |
| 1 | Braun, Patricia | Claimant Appellant |
| 1 | Ottum, Bob | Claimant Appellant |
| 1 | Ottum, Holly | Claimant Appellant |
| 1 | Ottum, Joyce | Claimant Appellant |

| | | |
|---|--------------------|-----------------------|
| 1 | Haas, Jeanne | Claimant Appellant |
| 1 | Murphy, Gloria | Claimant Appellant |
| 1 | Anderson, Ralph | Claimant Appellant |
| 1 | Beuttler, Doris | Claimant Appellant |
| 1 | Hostak, Genevieve | Claimant Appellant |
| 1 | Weichmann, Marlene | Claimant Appellant |
| 1 | Mueller, Mary | Claimant Appellant |
| 1 | Wood Family Trust | Claimant Appellant |
| 1 | Holtz, Mary | Claimant Appellant |

Interested Parties

| Name | Address | Title | Comment |
|----------------------|---|---------------------------|---|
| Becker, John A. | 822 Wisconsin Avenue Racine, WI 53401-1526 | Other Interested Party | Attorney for The Atrium of Racine, Inc. d/b/a The Atrium and Bay Pointe |
| Teichert, Janice S. | 3900 N. Main St., Apt. 214 Racine, WI 53402 | Other Interested Party | |
| Cushman, Marshall | 3900 N. Main St., Apt. 231 Racine, WI 53402 | Other Interested Party | |
| Wood, H. Edward | 3900 N. Main St., Apt. 229 Racine, WI 53402 | Other Interested Party | |
| Wood, Linda | 3900 N. Main St., Apt. 229 Racine, WI 53402 | Other Interested Party | |
| Ludwig, Peter J. | P.O. Box 717 Burlington, WI 53105-0717 | Other Interested Party | Attorney for Ruth Minton |
| Kershek, E. Joseph | 3573 S. 108th St. Milwaukee, WI 53228 | Other Interested Party | Attorney for Nursing Centers, Inc. |
| Zeratsky, Jessica M. | 511 N. Broadway, Ste. 1100 Milwaukee, WI 53202 | Other Interested Party | |
| Bartzen, James E. | P.O. Box 927 | Amicus | Wisconsin Bankers Association |

| | | | |
|-------------------------------|---|---------------------------|-------------------------------|
| | Madison, WI 53701-0927 | | |
| Spira, Kirsten | P.O. Box 927 Madison, WI 53701-0927 | Amicus | Wisconsin Bankers Association |
| Schmidt, Richard L. | P.O. Box 927 Madison, WI 53701-0927 | Amicus | Wisconsin Bankers Association |
| Veenstra, Helen | 5133 Birch Creek Ln. Racine, WI 53402 | Other Interested Party | |
| Jean-Louis, Tanner Gregory | P.O. 927 Madison, WI 53701 | Amicus | Wisconsin Bankers Association |

Citation Information

| Court | Volume | Publisher | Page |
|-------|--------|-----------|------|
| CA | 399 | Wis. 2d | 322 |
| CA | 964 | N.W.2d | 544 |
| SC | 406 | Wis. 2d | 247 |
| SC | 986 | N.W.2d | 780 |

Public Domain Citation Information

| Court | PDC |
|-------|------------|
| SC | 2023 WI 19 |