

# Wisconsin Supreme Court and Court of Appeals Case Access

**Petitioner v. Brian Aish**

**Appeal Number 2020AP001775**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	10-17-2024		Remittitur
OCCD	SC	07-18-2024		Notice of Appearance Comment: Attorney Pierson for Kindschy
OCCD	SC	07-17-2024		Motion for Reconsideration Filed By: Diane Welsh Submit Date: 7-18-2024 Decision: (D) Deny Decision Date: 10-14-2024 IT IS ORDERED that the Motion for Reconsideration is denied, with \$50 costs. Motion Response Filed By: Dudley Williams Submit Date: 7-31-2024
OCCD	SC	06-27-2024		<a href="#">Opinion/Decision</a> Judge Panel: Ziegler, Bradley, Bradley, Dallet, Hagedorn, Karofsky, Protasiewicz Opinion: Opinion Decision: Reversed and remanded Pages: 14 Written by: Dallet, Rebecca Frank Bradley, Rebecca Grassl Wrote Concurring Opinion 30 pages. Ziegler, Annette K. Joined Concurring Opinion Order Text: By the Court. The decision of the court of appeals is reversed, and the cause is remanded to the circuit court for further proceedings consistent with this opinion. Comment: Opinion/Decision
OCCD	SC	06-26-2024		Public Domain Citation Comment: PDC No: 2024 WI 27
OCCD	SC	04-22-2024		Response to Additional/Supplemental Authorities
OCCD	SC	04-11-2024		Additional Authorities Comment: filed by Atty Diane Welsh

OCCD SC 03-19-2024 Oral Argument  
Comment: 11:00 a.m. (State Capitol SC Hearing Room) Atty Joan Mannix for Brian Aish, and Atty Diane Welsh for Nancy Kindschy

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OCCD SC 03-11-2024 Other Brief  
[Supplemental Reply Brief of Nancy Kindschy](#)  
Filed By: Diane Welsh  
Comment: Supplemental Reply Brief of Nancy Kindschy

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OCCD SC 03-07-2024 Other Brief  
[Supplemental Reply Brief of Brian Aish](#)  
Filed By: Joan Mannix  
Comment: Supplemental Reply Brief of Brian Aish

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OCCD SC 02-29-2024 Notice of Appearance  
Comment: Notice of Appearance/Substitution of Counsel filed by DOJ

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OCCD SC 02-29-2024 Brief of Amicus Curiae/Non-Party  
[Brief of Amicus Curiae \(End Domestic Abuse Wisconsin\)](#)  
Filed By: Andrew Dufresne  
Comment: End Domestic Abuse Wisconsin

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024  
IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER 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' copies of this order.  
Comment: re: Evelyn Pang

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission  
Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024  
IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER 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' copies of this order.  
Comment: re: Arthur S. Greenspan

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OCCD SC 02-26-2024 Motion for Pro Hac Vice Admission

Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER 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' copies of this order.  
Comment: re: Kathleen Wills

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OCCD SC 02-26-2024 Motion to File Amicus/Non-Party Brief

Filed By: Jacob Neeley  
Submit Date: 2-27-2024  
Decision: (G) Grant  
Decision Date: 2-29-2024

IT IS ORDERED that the motion for leave to file a non-party brief amicus curiae is granted. The accompanying brief is accepted for filing as of the date of this order; and  
IT IS FURTHER 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' copies of this order.  
Comment: re: End Domestic Abuse Wisconsin

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OCCD SC 02-26-2024 Other Brief  
[Supplemental Brief of Amicus Curiae \(DOJ\)](#)

Filed By: Thomas Bellavia  
Comment: Supplemental Brief of Amicus Curiae (DOJ)

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OCCD SC 02-26-2024 Other Brief  
[Supplemental Brief of Nancy Kindschy](#)

Filed By: Diane Welsh  
Comment: Supplemental Brief of Nancy Kindschy

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OCCD SC 02-26-2024 Other Brief  
[Second Supplemental Brief of Brian Aish](#)

Filed By: Dudley Williams  
Comment: Supplemental Brief of Brian Aish

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OCCD SC 02-15-2024 Fee Paid

Comment: Receipt No: 24R 000386

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OCCD SC 02-05-2024 Order

IT IS ORDERED that respondent-appellant-petitioner, Brian Aish, and petitioner-respondent, Nancy Kindschy, shall file simultaneous supplemental briefs within 20 days of the date of this order, addressing the three issues stated in this order.  
The supplemental briefs shall be no longer than 30 pages if a monospaced font is used or 6,750 words if a proportional serif font is used; and,  
IT IS FURTHER ORDERED that each party may file a reply to the supplemental brief of the opposing party within 10 days after the opposing party's supplemental brief is filed. A reply to a supplemental brief

shall be no longer than 13 pages if a monospaced font is used or 3,000 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that the Department of Justice may file a supplemental nonparty brief addressing the issues listed above. The Department's nonparty brief shall be filed within 20 days of the date of this order, shall be limited to addressing the issues set forth above and shall comply with the length limitations imposed above on the parties' supplemental briefs. Because the Department is not a party to this case, it may not file a reply to the parties' supplemental briefs; and

IT IS FURTHER ORDERED that a supplemental oral argument on the issues identified in this order shall occur as the second case on March 19, 2024 (approximately 11:00 a.m.).

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OCCD SC 02-01-2024 Attorney Change  
Comment: Notice of Withdrawal of Attorney Leslie A. Freehill

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OCCD SC 08-31-2023 Other Brief  
[Supplemental Reply Brief of Nancy Kindschy](#)  
Filed By: Diane Welsh  
Comment: Supplemental Reply Brief of Nancy Kindschy

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OCCD SC 08-31-2023 Notice of Appearance

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OCCD SC 08-28-2023 Other Brief  
[Supplemental Reply Brief of Brian Aish](#)  
Filed By: Dudley Williams  
Comment: Supplemental Reply Brief of Brian Aish

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OCCD SC 08-17-2023 Brief of Amicus Curiae/Non-Party  
[Brief of Amicus Curiae \(Wisconsin Department of Justice\)](#)  
Filed By: Thomas Bellavia  
Comment: Department of Justice

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OCCD SC 08-17-2023 Other Brief  
[Supplemental Brief of Nancy Kindschy](#)  
Filed By: Diane Welsh  
Comment: Supplemental Brief of Nancy Kindschy

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OCCD SC 08-17-2023 Other Brief  
[Supplemental Brief of Brian Aish](#)  
Filed By: Dudley Williams  
Comment: Supplemental Brief of Brian Aish

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OCCD SC 08-10-2023 Fee Paid  
Comment: Receipt No: 23R 001938

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OCCD SC 07-28-2023 Hold Status

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OCCD SC 03-15-2023 Sua Sponte  
Filed By: Supreme Court Supreme Court

Submit Date: 3-16-2023

Decision: (O) Other

Decision Date: 7-28-2023

IT IS ORDERED that respondent-appellant-petitioner, Brian Aish, and petitioner-respondent, Nancy Kindschy, shall file simultaneous supplemental briefs within 20 days of the date of this order, discussing: (1) the impact of the Counterman decision, if any, on the issues raised in this case; and (2) the impact of the Counterman decision, if any, on the relief sought by each party. The briefs shall be no longer than 20 pages if a monospaced font is used or 4,500 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that each party may file a reply to the supplemental brief of the opposing party within 10 days after the opposing party's supplemental brief is filed. A reply to a supplemental brief shall be no longer than 10 pages if a monospaced font is used or 2,250 words if a proportional serif font is used; and,

IT IS FURTHER ORDERED that the Department of Justice's March 15, 2023 letter is construed to be a motion for leave to file a nonparty brief amicus curiae regarding the impact of the decision in Counterman; and,

IT IS FURTHER ORDERED that the motion of the Department of Justice is granted. The Department's nonparty brief shall be filed within 20 days of the date of this order, shall be limited to addressing the impact of the Counterman decision, as specified above, and shall comply with the length limitations imposed above on the parties supplemental briefs. Because the Department is not a party to this case, it may not file a reply to the parties' supplemental briefs.

JILL J. KAROFKY, J. concurs.

REBECCA FRANK DALLET joins concurrence.

ANNETTE KINGSLAND ZIEGLER, C.J., dissents.

PATIENCE DRAKE ROGGENSACK joins dissent.

REBECCA GRASSL BRADLEY dissents.

Comment: Letter from AAG Bellavia re: interest in filing non-party brief

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OCCD SC 02-03-2023

Order

IT IS ORDERED that the cause shall be held in abeyance pending the United States Supreme Court's disposition of Counterman; and,

IT IS FURTHER ORDERED that, if the court determines that additional briefing will assist the court, it will request additional briefing.

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OCCD SC 12-01-2022

Oral Argument

Comment: 2nd case, 9:45 a.m. (State Capitol SC Hearing Room): Joan M. Mannix Appearing Pro-Hac Vice for Respondent-Appellant-Petitioner, Introduced by Dudley A. Williams. Leslie Anne Freehill for Petitioner-Respondent.

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OCCD SC 11-28-2022

Response Brief-Supreme Court  
[Substitute Response Brief-Supreme Court](#)

Filed By: Diane Welsh

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OCCD SC 10-20-2022

Assigned for Oral Argument

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OCCD SC 09-21-2022

Other Papers

Comment: Rec'd returned mail for Atty Dudly Williams (9/16/22 cto); resent same day to recently updated address.

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OCCD SC 09-16-2022

Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)

OCCD SC 09-12-2022 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 9-14-2022  
Decision: (G) Grant  
Decision Date: 9-16-2022  
IT IS ORDERED that the motion is granted. Respondent-appellant-petitioner's response shall be served and filed on or before September 16, 2022.  
See BR3 event due on 9-16-2022

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OCCD SC 08-29-2022 Response Brief-Supreme Court  
Filed By: Diane Welsh

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OCCD SC 08-24-2022 Other Papers  
Comment: Rec'd returned mail for Richard Schaumberg (8/17/22 cto); mailing initially sent to PO Box, resent to recently updated physical address same day.

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OCCD SC 08-23-2022 Other Papers  
Comment: Rec'd returned mail for Dudley Williams (8/17/22 cto) marked by USPS "RTS - fwd time exp" new address listed on return label. Mailing resent same day to updated address.

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OCCD SC 08-17-2022 Attorney Change  
Comment: Notice of Withdrawal of Atty Beauregard W. Patterson

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OCCD SC 08-15-2022 Motion to Extend Time  
Filed By: Diane Welsh  
Submit Date: 8-16-2022  
Decision: (G) Grant  
Decision Date: 8-17-2022  
IT IS ORDERED that the motion is granted. Ms. Kindschy's response brief shall be served and filed on or before August 29, 2022.  
See BR2 event due on 8-29-2022

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OCCD SC 07-29-2022 First Brief-Supreme Court  
[First Brief - Supreme Court](#)  
Filed By: Dudley Williams

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OCCD SC 07-27-2022 Other Papers  
Comment: Rec'd returned mail for Atty Schaumberg (7/21/22 cto, sent to previously expired PO Box in Osseo - ???); mailing resent to updated address same day.

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OCCD SC 07-19-2022 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 7-20-2022  
Decision: (G) Grant  
Decision Date: 7-21-2022  
IT IS ORDERED that the motion is granted. Mr. Aish's first brief shall be served and filed on or before

July 29, 2022.  
See BR1 event due on 7-29-2022

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OCCD SC 07-05-2022 Other Papers  
Comment: Joan M. Mannix Returned Mail (6/22/22 CTO) - marked by USPS: "RTS - insufficient address, unable to forward"; Re-mailed to updated address with ste. number 7/7/22

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OCCD SC 06-28-2022 Other Papers  
Comment: Returned Mail - 6/22/22 CTO to Atty. Schaumberg - Re-sent same day

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OCCD SC 06-22-2022 Caption Amended

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OCCD SC 06-22-2022 Court Changed to Supreme Court

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OCCD CA 05-10-2022 Final Publication

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OCCD CA 04-28-2022 Published Opinion Citation  
401 Wis. 2d 406

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OCCD CA 04-28-2022 Published Opinion Citation  
973 N.W.2d 828

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OCCD CA 04-28-2022 Opinion Ordered Published

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OCCD CA 04-28-2022 Public Domain Citation  
Comment: PDC No: 2022 WI App 17

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OCCD SC 04-18-2022 Notice of Appearance

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OCCD SC 04-11-2022 Fee Paid  
Comment: Receipt No: 22R 000803

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OCCD SC 04-07-2022 Petition for Review  
[Response to Petition for Review](#)  
[Petition for Review](#)

Filed By: Dudley Williams  
Submit Date: 4-25-2022  
Decision: (G) Grant  
Decision Date: 6-22-2022

IT IS ORDERED that the petition for review is granted.

Motion Response

Filed By: Diane Welsh  
Submit Date: 4-25-2022

Comment: Petition includes incorrect e-certification (quotes pilot project language), corrected e-cert w/original signature (plus 9 photocopies) will be sent immediately per call to counsel, filing fee paid online; corrected certifications rec'd 4/11/22

OCCD CA	03-08-2022	<a href="#">Opinion/Decision</a>
<p>Judge Panel: Stark, Hruz, Gill  Opinion: Opinion  Decision: Affirmed Pages: 12  Written by: Gill, Gregory B. Jr.  Order Text: Order affirmed</p>		
OCCD CA	02-22-2022	Decision Withdrawn/Vacated
OCCD CA	02-22-2022	Order
<p>IT IS ORDERED that the opinion of January 25, 2022 is withdrawn. A revised opinion will be forthcoming.</p>		
OCCD CA	01-25-2022	<a href="#">Opinion/Decision</a>
<p>Judge Panel: Stark, Hruz, Gill  Opinion: Opinion  Decision: Affirmed Pages: 12  Written by: Gill, Gregory B. Jr.  Order Text: Order affirmed</p>		
OCCD CA	10-12-2021	Submitted on Briefs
OCCD CA	07-27-2021	Record and Briefs Sent to District 3
OCCD CA	07-26-2021	Reply Brief <a href="#">Respondent-Appellant's Reply Brief (corrected)</a>
<p>Filed By: Dudley Williams</p>		
OCCD CA	07-13-2021	Motion to Extend Time
<p>Filed By: Dudley Williams  Submit Date: 7-13-2021  Decision: (G) Grant  Decision Date: 7-15-2021  IT IS ORDERED that the time for the appellant to file the reply brief is extended to five business days from the date of this order.  See BRY event due on 7-14-2021</p>		
OCCD CA	06-29-2021	Brief of Respondent(s) <a href="#">Brief of Petitioner-Respondent</a>
<p>Filed By: Diane Welsh</p>		
OCCD CA	05-28-2021	Motion to Extend Time
<p>Filed By: Diane Welsh  Submit Date: 5-28-2021  Decision: (G) Grant</p>		



Decision Date: 6-1-2021

IT IS ORDERED that the time to file the respondent's brief is extended to June 29, 2021.

See BRS event due on 6-29-2021

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OCCD CA 05-19-2021 Notice of Appearance

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OCCD CA 04-29-2021 [Brief & Appendix of Appellant\(s\)  
Respondent-Appellant's Brief](#)

Filed By: Dudley Williams

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OCCD CA 04-26-2021 Motion to Extend Time

Filed By: Dudley Williams

Submit Date: 4-27-2021

Decision: (G) Grant

Decision Date: 4-28-2021

IT IS ORDERED that the appellant's brief and appendix shall be deemed timely if filed within one day of the date of this order.

See BAP event due on 4-26-2021

Comment: 4th request

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OCCD CA 04-13-2021 Motion to Extend Time

Filed By: Dudley Williams

Submit Date: 4-13-2021

Decision: (G) Grant

Decision Date: 4-15-2021

IT IS ORDERED that the time to file the appellant's brief and appendix is extended to April 26, 2021.

See BAP event due on 4-26-2021

Comment: 3rd request

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OCCD CA 04-06-2021 Other Papers

Comment: Copy of 3/4/21 order e-filed by Atty Mannix

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OCCD CA 03-16-2021 Other Papers

Comment: 3/16/21 rec'd returned mail for Atty Joan Mannix (3/4/21 cto) marked by USPS "RTS - insufficient address"; address is same that was used in all previous mailings w/out issue, assumed returned mail was in error by USPS, 2nd mailing attempt made 3/17/21.

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OCCD CA 03-04-2021 Motion to Extend Time

Filed By: Dudley Williams

Submit Date: 3-4-2021

Decision: (G) Grant

Decision Date: 3-8-2021

IT IS ORDERED that the time to file the appellant's initial brief and appendix in this matter is extended to April 12, 2021.

See BAP event due on 4-12-2021

Comment: 2nd request

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OCCD CA 03-02-2021 Motion for Pro Hac Vice Admission

Filed By: Dudley Williams

Submit Date: 3-3-2021  
Decision: (G) Grant  
Decision Date: 3-4-2021

IT IS ORDERED that Attorney Joan Mannix may appear pro hac vice as co-counsel for Brian Aish.

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OCCD CA 01-28-2021 Motion to Extend Time  
Filed By: Dudley Williams  
Submit Date: 2-2-2021  
Decision: (G) Grant  
Decision Date: 2-2-2021  
IT IS ORDERED that the time for the appellant to file his appellant's brief is extended to March 4, 2021.  
See WIS. STAT. RULE 809.82(2)(a).  
See BAP event due on 3-4-2021

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OCCD CA 01-19-2021 Other Papers  
Comment: Application for PHV Admission re: Joan Mannix

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OCCD CA 01-05-2021 Motion to Correct/Supplement Record  
Filed By: Dudley Williams  
Submit Date: 1-5-2021  
Decision: (D) Deny  
Decision Date: 1-15-2021  
IT IS ORDERED that the motion to supplement the record is denied as unnecessary. The appellant's brief shall be due January 29, 2021.

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OCCD CA 12-09-2020 Non-Electronic Record Item

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OCCD SC 12-03-2020 Sealed Documents

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OCCD CA 12-03-2020 Record  
Comment: 1-5 to 37-1, ELECTRONICALLY FILED

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OCCD CA 11-16-2020 Other Papers  
Comment: Notice for Inspection of Record

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OCCD CA 11-13-2020 Fee Paid  
Comment: Receipt No: 20R 002251

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OCCD CA 11-12-2020 Statement on Transcript  
Filed By: Dudley Williams  
Status: Prev. Filed  
Comment: 11/9/20 rec'd defective SRT from Atty Williams (has box 2 checked on form indicating all transcripts are on file, yet includes CR certification); sample form and letter sent 11/11/20, new due date is 11/25/20

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OCCD CA 11-03-2020 Notice of Appearance  
Comment: Filed by Attys Dumas & Welsh on behalf of Nancy Kindschy

WSCCA Case History

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OCCD CA	10-26-2020	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	10-26-2020	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	10-26-2020	Docketing Statement from Appellant
OCCD CA	10-22-2020	Notice of Appeal filed in Circuit Court
OCCD CA	09-09-2020	Order of Circuit Court

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