

Wisconsin Supreme Court and Court of Appeals Case Access

Kristi Koschkee v. Carolyn Stanford Taylor

Appeal Number 2017AP002278 - OA

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-13-2019		Remittitur Comment: T/J
OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 38231 Thomas Claire Kamenick
OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 38231 Thomas Claire Kamenick
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OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 38231 Thomas Claire Kamenick
OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 40664 Charles J. Szafir
OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 40664 Charles J. Szafir
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OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 40664 Charles J. Szafir
OCCD	SC	08-06-2019		Attorney address updated Comment: Address changed for attorney: 9074 Brian W. McGrath

OCCD SC 08-06-2019 Attorney address updated
Comment: Address changed for attorney: 9074 Brian W. McGrath

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OCCD SC 08-06-2019 Attorney address updated
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OCCD SC 06-25-2019 Cites
929 N.W.2d 600

OCCD SC 06-25-2019 Cites
387 Wis. 2d 552

OCCD SC 06-25-2019 [Opinion/Decision](#)
Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Bradley, Kelly, Dallet
Opinion: Opinion
Decision: Other Pages: 22
Written by: Roggensack, Patience Drake
Abrahamson, Shirley S. Took No Part
Bradley, Rebecca Grassl Wrote Concurring Opinion 13 pages.
Kelly, Daniel Wrote Concurring Opinion 1 pages.
Bradley, Ann Walsh Wrote Dissenting Opinion 8 pages.
Dallet, Rebecca F. Joined Dissenting Opinion
Order Text: Declaration of rights; relief granted.
Comment: Opinion/Decision

OCCD SC 06-24-2019 Public Domain Citation
Comment: PDC No: 2019 WI 76

OCCD SC 04-10-2019 Oral Argument
Comment: at 1:30 p.m. Attorney Richard M. Esenberg for PET, Attorney Lester A. Pines for RES, Attorney Jeffrey A. Mandell for Amicus Curiae (Coyne Amici), Attorney Richard F. Verstegen for Amicus Curiae (WASB & WSAA).

OCCD SC 04-03-2019 Attorney Change
Comment: Jeffrey A. Mandell, for the Coyne Amici, per notice of appearance, and notice of withdrawal of Lester Pines

OCCD SC 03-28-2019 Attorney Change
Comment: Lester A. Pines for Respondents per stipulation and consent for substitution of attorneys

OCCD SC 03-27-2019 Letter/Correspondence
Comment: From Clerk's Office to Counsel: enclosed is amended April OA calendar reflecting case

caption change.

OCCD SC 03-26-2019 Caption Amended

OCCD SC 03-26-2019 Attorney address updated
Comment: Address changed for attorney: 41463 Ryan Nilsestuen

OCCD SC 03-26-2019 Attorney address updated
Comment: Address changed for attorney: 41463 Ryan Nilsestuen

OCCD SC 03-25-2019 Motion for Miscellaneous Relief
Filed By: Ryan Nilsestuen
Submit Date: 3-25-2019
Decision: (N) No Action
Decision Date: 3-26-2019
No Action
Comment: From Ryan Nilsestuen: Requesting that Tony evers be replaced by Stanford Taylor as the named defendant.

OCCD SC 03-12-2019 Court Order
IT IS ORDERED that the oral argument in this matter shall proceed as follows: (1) the petitioners shall present the initial argument and have an initial presentation of 35 minutes; (2) the respondents shall have 25 minutes of oral argument time; (3) the Coyne amici may have 10 minutes of oral argument time; (4) the amici, Wisconsin Association of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., may have 5 minutes of oral argument time; and (5) the petitioners shall have 5 minutes rebuttal.

OCCD SC 03-06-2019 Other Papers
Comment: State's withdrawal of non-party brief and relinquishment of oral argument time

OCCD SC 02-14-2019 Assigned-Oral Argument

OCCD SC 12-21-2018 Attorney Change
Comment: AAG Luke Berg is now counsel for amicus curiae State of Wisconsin, Chief Deputy Solicitor General Ryan Walsh has withdrawn.

OCCD SC 12-04-2018 [Brief of Amicus Curiae
Brief of Amicus Curiae - WI Assn of School Boards and WI School
Administrators' Alliance](#)
Filed By: Richard Verstegen
Comment: WI Assn of School Boards and WI School Administrators' Alliance. Please note that the attorneys' names, state bar numbers, and contact information has been added to the covers of all briefs pursuant to Wis. Stats. Sec. 809.19(9).

OCCD SC 12-03-2018 Motion for Miscellaneous Relief
Filed By: Richard Verstegen
Submit Date: 12-3-2018

Decision: (G) Grant

Decision Date: 2-12-2019

ORD that the requests for oral argument time are granted. FRO that the oral argument in this matter shall proceed as follows: (1) the petitioners shall present the initial argument and have an initial presentation of 23 minutes; (2) the amici, the Attorney General and the Wisconsin dept. of Justice, may have 10 minutes of oral argument time; (3) the respondents shall have 25 minutes of oral argument time; (4) the Coyne amici may have 10 minutes of oral argument time; (5) the amici, Wisconsin Assn of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., may have 5 minutes of oral argument time; and (6) the petitioners shall have 5 minutes of rebuttal.

Comment: motion to participate in oral argument filed by WI Assn of School Boards & WI School Admin Alliance Inc

OCCD SC 12-03-2018

Brief of Amicus Curiae
[Brief of Amicus Curiae - Coyne](#)

Filed By: Lester Pines

Comment: Coyne, Bell, Taylor, Otis, Stangel, Weidner and Voss

OCCD SC 11-27-2018

Brief of Amicus Curiae

Filed By: Ryan Walsh

Comment: Attorney General - brief w/drawn 3/6/19

OCCD SC 10-30-2018

Motion for Miscellaneous Relief

Filed By: Ryan Walsh

Submit Date: 10-30-2018

Decision: (G) Grant

Decision Date: 2-12-2019

ORD that the requests for oral argument time are granted. FRO that the oral argument in this matter shall proceed as follows: (1) the petitioners shall present the initial argument and have an initial presentation of 23 minutes; (2) the amici, the Attorney General and the Wisconsin dept. of Justice, may have 10 minutes of oral argument time; (3) the respondents shall have 25 minutes of oral argument time; (4) the Coyne amici may have 10 minutes of oral argument time; (5) the amici, Wisconsin Assn of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., may have 5 minutes of oral argument time; and (6) the petitioners shall have 5 minutes of rebuttal.

Comment: AG's motion to participate in oral argument

OCCD SC 10-08-2018

Motion to File Amicus/Non-Party Brief

Filed By: Ryan Walsh

Submit Date: 10-8-2018

Decision: (G) Grant

Decision Date: 11-13-2018

ORD that the motion for intervention is denied;

FRO that the motions for leave to file non-party briefs amicus curiae of the Wisconsin Association of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., the Attorney General and the Wisconsin Department of Justice, and Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss are granted. Twenty-two copies of the briefs shall be filed on or before December 3, 2018;

FRO that the motion of Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss ("Coyne amici") for leave to participate in oral argument is held in abeyance pending further order of the court. Amici are generally not granted oral argument time in addition to the argument time allotted to the parties. The Coyne amici are directed to ask the parties if they would be willing to cede any oral argument time to the Coyne amici. In the event the parties are unwilling to cede any argument time, the Coyne amici are directed to so inform the court by December 3, 2018.

Comment: DOJ

OCCD SC 10-08-2018

Other Brief
[Petitioner's Reply Brief](#)

Filed By: Richard Esenberg
Comment: Petitioner's Reply Brief

OCCD SC 10-05-2018 12-03-2018 Motion for Miscellaneous Relief

Filed By: Lester Pines
Submit Date: 10-5-2018
Decision: (G) Grant
Decision Date: 2-12-2019

ORD that the requests for oral argument time are granted. FRO that the oral argument in this matter shall proceed as follows: (1) the petitioners shall present the initial argument and have an initial presentation of 23 minutes; (2) the amici, the Attorney General and the Wisconsin dept. of Justice, may have 10 minutes of oral argument time; (3) the respondents shall have 25 minutes of oral argument time; (4) the Coyne amici may have 10 minutes of oral argument time; (5) the amici, Wisconsin Assn of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., may have 5 minutes of oral argument time; and (6) the petitioners shall have 5 minutes of rebuttal.

Comment: Motion to participate in oral argument -- part of Motion to file amicus brief 11/13/18 oral arg held in abeyance; amicus granted due 12/3/18

OCCD SC 10-05-2018 Motion to File Amicus/Non-Party Brief

Filed By: Lester Pines
Submit Date: 10-5-2018
Decision: (G) Grant
Decision Date: 11-13-2018

ORD that the motion for intervention is denied;

FRO that the motions for leave to file non-party briefs amicus curiae of the Wisconsin Association of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., the Attorney General and the Wisconsin Department of Justice, and Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss are granted. Twenty-two copies of the briefs shall be filed on or before December 3, 2018;

FRO that the motion of Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss ("Coyne amici") for leave to participate in oral argument is held in abeyance pending further order of the court. Amici are generally not granted oral argument time in addition to the argument time allotted to the parties. The Coyne amici are directed to ask the parties if they would be willing to cede any oral argument time to the Coyne amici. In the event the parties are unwilling to cede any argument time, the Coyne amici are directed to so inform the court by December 3, 2018.

Comment: Coyne, Bell, Taylor, Otis, Stangel, Weidner and Voss

OCCD SC 10-04-2018 Motion to File Amicus/Non-Party Brief

Filed By: Richard Verstegen
Submit Date: 10-4-2018
Decision: (G) Grant
Decision Date: 11-13-2018

ORD that the motion for intervention is denied;

FRO that the motions for leave to file non-party briefs amicus curiae of the Wisconsin Association of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., the Attorney General and the Wisconsin Department of Justice, and Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss are granted. Twenty-two copies of the briefs shall be filed on or before December 3, 2018;

FRO that the motion of Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss ("Coyne amici") for leave to participate in oral argument is held in abeyance

pending further order of the court. Amici are generally not granted oral argument time in addition to the argument time allotted to the parties. The Coyne amici are directed to ask the parties if they would be willing to cede any oral argument time to the Coyne amici. In the event the parties are unwilling to cede any argument time, the Coyne amici are directed to so inform the court by December 3, 2018.
Comment: WI Assn of School Boards and School Administrators Alliance

OCCD SC 09-24-2018

Other Brief
[Other Brief - WASB](#)
[Respondents' Other Brief](#)

Filed By: Ryan Nilsestuen
Comment: Respondent's Brief

OCCD SC 09-14-2018

Motion to Intervene

Filed By: Lester Pines
Submit Date: 9-17-2018
Decision: (D) Deny
Decision Date: 11-13-2018

ORD that the motion for intervention is denied;

FRO that the motions for leave to file non-party briefs amicus curiae of the Wisconsin Association of School Boards, Inc. and the Wisconsin School Administrators' Alliance, Inc., the Attorney General and the Wisconsin Department of Justice, and Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss are granted. Twenty-two copies of the briefs shall be filed on or before December 3, 2018;

FRO that the motion of Peggy Coyne, Mary Bell, Mark W. Taylor, Corey Otis, Marie Stangel, Jane Weidner, and Kristin Voss ("Coyne amici") for leave to participate in oral argument is held in abeyance pending further order of the court. Amici are generally not granted oral argument time in addition to the argument time allotted to the parties. The Coyne amici are directed to ask the parties if they would be willing to cede any oral argument time to the Coyne amici. In the event the parties are unwilling to cede any argument time, the Coyne amici are directed to so inform the court by December 3, 2018.

Motion Response
Filed By: Richard Esenberg
Submit Date: 9-25-2018
Motion Response
Filed By: Lester Pines
Submit Date: 10-1-2018

OCCD SC 09-11-2018

Letter/Correspondence

Comment: OIP WI Manufacturers and Commerce has new counsel representing them

OCCD SC 08-10-2018

Other Brief
[Petitioner's Other Brief](#)

Filed By: Richard Esenberg
Comment: Petitioner's Brief

OCCD SC 08-06-2018

Motion to Dismiss

Filed By: Benjamin Jones
Submit Date: 8-6-2018
Decision: (D) Deny
Decision Date: 9-4-2018
ORD that the motion is denied.
Motion Response

Filed By: Richard Esenberg

Submit Date: 8-17-2018

Comment: Respondents Motion to Dismiss w/ Supporting Memorandum and Affidavit of Carl Bryan

OCCD SC 07-11-2018 Court Order

ORD that within 30 days of the date of this order the petitioners shall file a brief in this case; that within 20 days thereafter the respondents shall file their responsive brief; and that within 10 days thereafter the petitioners shall file either their reply brief or a statement that no such brief will be filed; and FRO that the parties shall be notified of the date and time for oral argument in this appeal in due course.

OCCD SC 06-27-2018 Cites
382 Wis. 2d 666

OCCD SC 06-27-2018 Cites
913 N.W.2d 878

OCCD SC 06-27-2018 Court Order

ORD that the Respondents' motion to deny substitution of counsel and to disqualify the attorney general from appearing on behalf of Respondents is GRANTED. FRO that the Department of Justice's cross-motion to strike the appearance by Attorneys Ryan Nilsestuen and Benjamin R. Jones is DENIED. FRO that the governor is not a necessary party to this action.

Rebecca Grassl Bradley, J., wrote concurring in part; dissenting in part. (18 pages)

Michael J. Gableman, J., joined concurrence/dissent.

Daniel Kelly, J., joined concurrence/dissent.

Comment: Court Order

OCCD SC 06-27-2018 Public Domain Citation
Comment: PDC No: 2018 WI 82

OCCD SC 06-05-2018 Other Papers
Comment: Affidavit of Service (5/23/18) on Joint Committee for Review (Sen Nass and Rep Ballweg) by WILL

OCCD SC 05-15-2018 Oral Argument
Comment: at 9:30 a.m.; Solicitor General Misha Tseytlin for RES (DPI), Richard Esenberg for PET, Benjamin Jones for RES (Evers)

OCCD SC 05-01-2018 Letter/Correspondence
Comment: From Clerk's Office to Counsel: Please inform our office if the enclosed oral argument schedule comports with parties' time allotment agreement expressed in Solicitor General's 4/23/18 letter. cjp

OCCD SC 04-23-2018 Sua Sponte
Filed By: Misha Tseytlin
Submit Date: 4-23-2018
Decision: (N) No Action
Decision Date: 4-23-2018

ORD that the Respondents' motion to deny substitution of counsel and to disqualify the attorney general from appearing on behalf of Respondents is GRANTED. FRO that the Department of Justice's cross-motion to strike the appearance by Attorneys Ryan Nilsestuen and Benjamin R. Jones is DENIED. FRO that the governor is not a necessary party to this action.
Comment: response to 4/13/18 cto

OCCD SC 04-16-2018 Assigned-Oral Argument

OCCD SC 04-13-2018 Court Order

ORD that the petition for leave to commence an original action is granted, and this court assumes jurisdiction over this action. FRO that on May 15, 2018, at 9:30 a.m. the court will hear oral argument on two issues: (1) whether Evers and DPI have the right to counsel of their choice or are represented by the Attorney General and the Wisconsin Department of Justice and (2) whether the Governor is a necessary party to this action. Since the parties and the Attorney General have previously filed briefs on these issues, no further briefing is required at this time. As was stated in this court's February 14, 2018 order, without deciding the representation issue, due to the unique circumstances of this case, the court, on its own authority, authorizes Attorneys Nilsestuen and Jones to present oral argument on behalf of Evers and DPI on these two issues. The court has allotted sixty minutes of oral argument time for these two issues. The parties and the Attorney General shall submit a proposed division of the oral argument time on or before April 23, 2018, which the court will then consider in establishing a final division of oral argument time. FRO that all pending motions are held in abeyance pending further order of the court. FRO that a briefing schedule and date for oral argument on the merits of the original action petition will be scheduled at a later date.

ANN WALSH BRADLEY, J. (dissenting).
SHIRLEY S. ABRAHAMSON, J. (joins dissent).

OCCD SC 03-12-2018 Response
Comment: AG's Reply to Evers, DPI Response Brief

OCCD SC 03-05-2018 Motion to Dismiss
Filed By: Ryan Nilsestuen
Submit Date: 3-5-2018
Decision: (D) Deny
Decision Date: 9-4-2018
ORD that the motion is denied.
Motion Response
Filed By: Thomas Kamenick
Submit Date: 3-16-2018
Comment: motion, memo, declaration

OCCD SC 03-05-2018 Response
Comment: petitioner's brief (whether Gov. Walker necessary party) as ordered 2/14/18

OCCD SC 03-05-2018 Response
Comment: Attorney General's amicus response to OA petition per 2/14/18 cto

OCCD SC 03-05-2018 Response
Comment: Evers and DPI response to OA petition per 2/14/18 cto w/ affidavit of D. Kohout

OCCD SC 03-05-2018 Response
Comment: Evers & DPI brief as ordered 2/14/18

OCCD SC 02-14-2018 Court Order
ORD that on or before March 5, 2018, Evers and DPI shall file a brief discussing why, given Wis. Stat. 165.25(1m), Evers and DPI believe they have the right to counsel of their choice. FRO that the Attorney General may file a response brief on the representation issue within seven days of the filing of Evers and DPIs brief. FRO that on or before March 5, 2018, Evers and DPI shall file a response to the petition to commence an original action. The response shall contain a statement regarding any relevant facts Evers and DPI believe are in dispute. FRO that the Attorney General may file an amicus brief responding to the petition to commence an original action by March 5, 2018. FRO that the response to the original action petition filed by Evers and DPI and any amicus brief filed by the Attorney General shall address whether the Governor is a necessary party to this action. FRO that the petitioners shall file a brief with this court by March 5, 2018, addressing whether the Governor is a necessary party to this action. FRO that the motion of Wisconsin Manufacturers and Commerce to file a non-party brief in support of the petition for original action is granted and the brief is accepted for filing.

OCCD SC 02-14-2018 Other Papers
Comment: Wisconsin Manufacturers and Commerce supporting non party brief rec'd 12/1/17 accepted for filing 2/14/18

OCCD SC 02-14-2018 Brief of Amicus Curiae
Comment: Non-Party Brief in Support of the Petition for Original Action

OCCD SC 12-11-2017 Motion to Strike
Filed By: Ryan Walsh
Submit Date: 12-12-2017
Decision: (D) Deny
Decision Date: 6-27-2018
ORD that the Respondents' motion to deny substitution of counsel and to disqualify the attorney general from appearing on behalf of Respondents is GRANTED. FRO that the Department of Justice's cross-motion to strike the appearance by Attorneys Ryan Nilsestuen and Benjamin R. Jones is DENIED. FRO that the governor is not a necessary party to this action.
Motion Response
Filed By: Ryan Nilsestuen
Submit Date: 12-18-2017
Motion Response
Filed By: Misha Tseytlin
Submit Date: 12-19-2017
Motion Response
Filed By: Ryan Nilsestuen
Submit Date: 3-5-2018
Comment: Cross Motion to Strike the Appearance by Attorneys Ryan Nisestuen and Benjamin R. Jones and Declaration of Ryan J. Walsh

OCCD SC 12-01-2017 Motion to File Amicus/Non-Party Brief
Filed By: Lucas Vebber
Submit Date: 12-1-2017
Decision: (G) Grant
Decision Date: 2-14-2018
ORD that on or before March 5, 2018, Evers and DPI shall file a brief discussing why, given Wis. Stat.

165.25(1m), Evers and DPI believe they have the right to counsel of their choice. FRO that the Attorney General may file a response brief on the representation issue within seven days of the filing of Evers and DPIs brief. FRO that on or before March 5, 2018, Evers and DPI shall file a response to the petition to commence an original action. The response shall contain a statement regarding any relevant facts Evers and DPI believe are in dispute. FRO that the Attorney General may file an amicus brief responding to the petition to commence an original action by March 5, 2018. FRO that the response to the original action petition filed by Evers and DPI and any amicus brief filed by the Attorney General shall address whether the Governor is a necessary party to this action. FRO that the petitioners shall file a brief with this court by March 5, 2018, addressing whether the Governor is a necessary party to this action. FRO that the motion of Wisconsin Manufacturers and Commerce to file a non-party brief in support of the petition for original action is granted and the brief is accepted for filing.
Comment: Wisconsin Manufacturers and Commerce

OCCD SC 11-29-2017 Motion for Miscellaneous Relief

Filed By: Ryan Nilsestuen
Submit Date: 11-29-2017
Decision: (G) Grant
Decision Date: 6-27-2018

ORD that the Respondents' motion to deny substitution of counsel and to disqualify the attorney general from appearing on behalf of Respondents is GRANTED. FRO that the Department of Justice's cross-motion to strike the appearance by Attorneys Ryan Nilsestuen and Benjamin R. Jones is DENIED. FRO that the governor is not a necessary party to this action.

Motion Response

Filed By: Ryan Walsh

Submit Date: 12-12-2017

Comment: Motion to Deny Substitution of Counsel and to Disqualify the Attorney General from Representing the Respondents

OCCD SC 11-22-2017 Attorney Change

Comment: SGs Misha Tseytlin and Ryan Walsh for DPI per filing of Notice of Appearance and Substitution of Counsel

OCCD SC 11-22-2017 Attorney Change

Comment: Added Attorney Benjamin R. Jones on behalf of Tony Evers per letter notice of representation

OCCD SC 11-20-2017 Fee Paid

Comment: Receipt No: 17R 002814

OCCD SC 11-20-2017 Petition for an Original Action

Filed By: Richard Esenberg

Submit Date: 11-20-2017

Decision: (O) Other

Decision Date: 6-25-2019

Declaration of rights; relief granted.

Motion Response

Filed By: Richard Esenberg

Submit Date: 3-5-2018

Motion Response

Filed By: Ryan Nilsestuen

Submit Date: 3-5-2018

Motion Response

Filed By: Misha Tseytlin
Submit Date: 3-5-2018
