

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
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RECV	SC	07-17-2024		Motion for Reconsideration
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Filed By: Diane Welsh
Submit Date: 7-18-2024
Motion Response
Filed By: Dudley Williams
Submit Date: 7-31-2024

OCCD	SC	07-18-2024		Notice of Appearance
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Comment: Attorney Pierson for Kindschy

OCCD	SC	06-27-2024		Opinion/Decision
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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
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Comment: PDC No: 2024 WI 27

OCCD	SC	04-22-2024		Response to Additional/Supplemental Authorities
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OCCD	SC	04-11-2024		Additional Authorities
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Comment: filed by Atty Diane Welsh

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

OCCD SC 03-11-2024

Other Brief
[Supplemental Reply Brief of Nancy Kindschy](#)

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

OCCD SC 03-07-2024

Other Brief
[Supplemental Reply Brief of Brian Aish](#)

Filed By: Joan Mannix
Comment: Supplemental Reply Brief of Brian Aish

OCCD SC 02-29-2024

Notice of Appearance

Comment: Notice of Appearance/Substitution of Counsel filed by DOJ

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

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

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

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

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

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

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

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

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

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

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

OCCD SC 02-15-2024 Fee Paid

Comment: Receipt No: 24R 000386

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.).

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

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

OCCD SC 08-31-2023 Notice of Appearance

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

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

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

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

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

OCCD SC 07-28-2023 Hold Status

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. KAROFSKY, 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

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.

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.

OCCD SC 11-28-2022 Response Brief-Supreme Court
[Substitute Response Brief-Supreme Court](#)
Filed By: Diane Welsh

OCCD SC 10-20-2022 Assigned for Oral Argument

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.

OCCD SC 09-16-2022 Reply Brief-Supreme Court
[Reply Brief-Supreme Court](#)
Filed By: Dudley Williams

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

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

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.

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.

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

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

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

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.

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

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

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

OCCD SC 06-22-2022 Caption Amended

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

OCCD CA 05-10-2022 Final Publication

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

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

OCCD CA 04-28-2022 Opinion Ordered Published

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

OCCD SC 04-18-2022 Notice of Appearance

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

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 [Opinion/Decision](#)

Judge Panel: Stark, Hruz, Gill

Opinion: Opinion

Decision: Affirmed Pages: 12
Written by: Gill, Gregory B. Jr.
Order Text: Order affirmed

OCCD CA 02-22-2022 Decision Withdrawn/Vacated

OCCD CA 02-22-2022 Order
IT IS ORDERED that the opinion of January 25, 2022 is withdrawn. A revised opinion will be forthcoming.

OCCD CA 01-25-2022 [Opinion/Decision](#)

Judge Panel: Stark, Hruz, Gill
Opinion: Opinion
Decision: Affirmed Pages: 12
Written by: Gill, Gregory B. Jr.
Order Text: Order affirmed

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
[Respondent-Appellant's Reply Brief \(corrected\)](#)

Filed By: Dudley Williams

OCCD CA 07-13-2021 Motion to Extend Time

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

OCCD CA 06-29-2021 Brief of Respondent(s)
[Brief of Petitioner-Respondent](#)

Filed By: Diane Welsh

OCCD CA 05-28-2021 Motion to Extend Time

Filed By: Diane Welsh
Submit Date: 5-28-2021
Decision: (G) Grant
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

OCCD CA 05-19-2021 Notice of Appearance

OCCD CA 04-29-2021

Brief & Appendix of Appellant(s)
[Respondent-Appellant's Brief](#)

Filed By: Dudley Williams

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

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

OCCD CA 04-06-2021

Other Papers

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

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.

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

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.

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

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

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.

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

OCCD SC 12-03-2020 Sealed Documents

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

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

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

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

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

OCCD CA 10-26-2020 Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 10-26-2020 Notice of Appeal & Circuit Court Docket Entries

WSCCA Case History

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
