



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts two new cases

Madison, Wis. (March 19, 2019) – The Wisconsin Supreme Court has voted to accept two new cases, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin, and issues presented in the granted cases are listed below. More detailed synopses will be released at a later date. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of cases pending in the Supreme Court can be found [here](#).

2017AP2352 DSG Evergreen Family Limited Partnership v. Town of Perry

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Dane County, Judge Richard G. Niess, affirmed

Long caption: DSG Evergreen Family Limited Partnership, Plaintiff-Appellant-Petitioner, v. Town of Perry, Defendant-Respondent

Issues presented:

1. Is a property owner whose property is subject to a partial taking permitted to rely on a condemnor's promises to construct improvements in a manner intended to provide post-taking benefits to the property owner in exchange for greater compensation.
2. If a condemnor is able to acquire property in eminent domain at a lower cost by including construction of improvements for the benefit of the property owner in its project, but does not subsequently construct those improvements as promised, does claim preclusion prevent the property owner from maintaining an action against the condemnor for damages or to compel construction of the promised improvement to the promised standard?
3. If the lower courts' answers to Issue II are correct, is a special exception to the doctrine of claim preclusion appropriate or necessary for such circumstances in the context of eminent domain proceedings.
4. Can a private citizen maintain an action against a town for failing to construct a town road in accordance with the geometric design standards of Wis. Stat. § 82.50.

2017AP2510

Antoinette Lang v. Lions Club of Cudahy Wis., Inc.

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge William Sosnay, reversed and cause remanded

Long caption: Antoinette Lang and Jim Lang, Plaintiffs-Appellants, Wisconsin State Department of Health & Human Services, Involuntary-Plaintiff, v. Lions Club of Cudahy Wisconsin, Inc., Ace American Insurance Company, Rhythm Method, LLC and Administrator of Health Care Financing Administration, Defendants, State Farm Fire & Casualty Company, Defendant-Respondent, Fryed Audio, LLC, Defendant-Respondent-Petitioner

Issue presented: Is Fryed Audio, LLC an agent of the Lions Club such that they are afforded immunity under Wis. Stat. § 895.52?

Review denied: The Supreme Court denied review in the following cases. As the state's law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

Adams

18AP176

Larson v. Castle at the Bay, LLC

Brown

17AP786

State v. Nieto

17AP1119

Bach v. St. Vincent Hospital

Clark

18AP1400-CRNM

State v. Winchell

Dane

17AP1694-CR

State v. King

17AP1769

Watson v. Rural Masonry, Inc.

17AP2199-CR

State v. Brown

18AP318

State v. Topping

18AP1721-1724-W

Bacallao v. Foster

Dodge

18AP1365

Gremminger v. Rios

Door

17AP1193-CR

State v. Cefalu

Grant

17AP2501-CR State v. Saddler

18AP700 State v. Raney

Iron

18AP41-CR State v. Rick

Jefferson

17AP2393-CR State v. Glodowski

Milwaukee

17AP1852-CR State v. Buckingham

17AP1751-CRNM State v. Vaughn

17AP2025-CR State v. Liederbach

17AP2113-CR State v. Rashada
Chief Justice Patience Drake Roggensack did not participate.

17AP2430-CR State v. McBride
Justice Rebecca Frank Dallet did not participate.

17AP2503-CR State v. Jewell
Justice Rebecca Frank Dallet did not participate.

18AP129-CR State v. Jones
Justice Rebecca Frank Dallet did not participate.

18AP186-CR State v. Walker

18AP259-CR State v. Robinson

18AP596-CR State v. Imani

18AP835 State v. M.G.

18AP1131 Milwaukee County v. T.L.R.

19AP215-W Olson v. Circuit Court for Milwaukee County

Outagamie

17AP2167 Van Handel v. Pritzl

Ozaukee

17AP1393 Ozaukee County DHS v. S.S.Z.
Justice Rebecca Frank Dallet did not participate.

Racine

17AP1676-CR

State v. Powell

18AP1978-W

Borzych v. Foster

18AP2310-W

Casteel v. Circuit Court for Racine County**Rock**

18AP84-CR

State v. Moran**Sheboygan**

17AP1922-CR

State v. Chang

18AP1461-CR

State v. Yang**Washington**

17AP1660-CR

State v. Hurt**Waukesha**

15AP2674-CR

State v. Harvestine

17AP1373-CRNM

State v. Polinske

18AP395

Tefelske v. Metallurgical Associates

18AP74-CR

State v. Bougneit