



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts seven new cases

Madison, Wis. (Oct. 15, 2018) – The Wisconsin Supreme Court has voted to accept seven new cases, and the Court acted to deny review in a number of other cases. The case numbers, issues, and counties of origin of each granted case are listed below, along with a list of cases denied review. A more detailed synopsis of each case will be released before the oral argument is heard in coming months. More information about cases before the Wisconsin Supreme Court or the Court of appeals 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](#).

2017AP1518-CR

State v. Jessica M. Randall

Supreme Court case type: Petition for Review

Court of appeals: District IV

Circuit Court: Dane County, Judge Nicholas McNamara, affirmed

Long caption: State of Wisconsin, Plaintiff-Appellant, v. Jessica M. Randall, Defendant-Respondent

Issue presented: Whether Randall was entitled to suppression of the results of a test of a blood sample she voluntarily gave to police under the implied consent law because she informed the lab she was withdrawing her consent before the lab had analyzed the blood to determine the presence and quantity of drugs and alcohol.

2017AP1269

John Teske v. Wilson Mutual Insurance Company

Supreme Court case type: Petition for Review

Court of appeals: District II

Circuit Court: Fond du Lac County, Judge Peter L. Grimm, reversed and cause remanded

Long caption: John Teske, Julie A. Teske, Katherine Teske and Elle Teske, Plaintiffs-Appellants, United HealthCare Insurance Company, Subrogated Party-Plaintiff, v. Wilson Mutual Insurance Company, Defendant-Respondent-Petitioner

Issue presented: In the present action, does claim preclusion bar the Plaintiffs-Appellants-Respondents, Julie Teske, John Teske, Katherine Teske and Elle Teskes' (collectively the

“Teskes”) negligence claims against Defendant-Respondent-Petitioner, Wilson Mutual Insurance Company (“Wilson Mutual”); where the Teskes and Wilson Mutual were previously involved in litigation in Milwaukee County and Sheboygan County regarding the Teskes’ claims for negligence and underinsured motorist (“UIM”) coverage arising out of a three-car accident that occurred on November 24, 2013 in Mt. Calvary, Fond du Lac County, Wisconsin; and where a court of competent jurisdiction rendered a final judgment?

2016AP493

Ann Cattau v. National Insurance Services of Wisconsin, Inc.

Supreme Court case type: Petition for Review

Court of appeals: District II

Circuit Court: Winnebago County, Judge John A. Jorgensen, affirmed

Long caption: Ann Cattau, Thomas M. Beck, Linda Beckwith, Ardyth Bergstrom, Vicki Christman, Gail W. Cismoski, Kathleen A. Curtis, Janice DeMenter, John Dobbins, Elsie Evenson, Kris Grasley, Gary Haffeman, Kristine Haffeman, Kathy J. Hager, Gail Harrmann, Joann Harrell, Mary Louise Hildebrandt, Lexann Hitchcock, Jo Anne Holden, Karla M. Huston, Susan R. Johnson, Mary K. Jones, Dorothea A. Karisny, Chuck Knoeck, Lawrence H. Krebs, Diane D. Krueger, Helen L. Kurka, Judith J. Kurka Nagel, James Lantz, Jane E. Lantz, Thomas Marzahl, Mary Joy Mayer, Marjorie R. Murphy, Bruce C. Nufer, Anna P. Olson, Sharon O’Reilly, Patricia Ormston, Mark Peerenboom, Sue Peterson, James S. Piepenbrink, Anna Mae Prem, Jane Reimer, Mary J. Resch, Cynthia A. Rieck, Dianne Roth, Lucy Rumpf, Susan M. Schug, David K. Sebor, Suann M. Senso, Karla Sheehan, Sandra L. Smith, Robin L. Snell, Mary C. Tieman, Teresa D. Walotka, Patricia M. Waskawic, Mindy Weichmann, Susan Westphal, Vicki Wippich, Christine Wollerman, James A. Zipple and Levern J. Zwirchitz, Plaintiffs-Appellants, James Shipman, Plaintiff, v. National Insurance Services of Wisconsin, Inc. and MidAmerica Administrative & Retirement Solutions, Inc., Defendants-Respondents

Issues presented:

1. Is the pleading standard as stated in Strid v. Converse, 111 Wis. 2d 418, 331 N.W.2d 350 (1983), still the law in Wisconsin applicable to claims such as negligence and breach of fiduciary duty present in this case?
2. Have Plaintiffs stated a claim upon which relief may be granted against the Defendants for negligence, in particular have Plaintiffs sufficiently pled the existence of a duty of care?
3. Have Plaintiffs stated a claim upon which relief may be granted against the Defendants for breach of fiduciary duty, in particular have Plaintiffs sufficiently alleged the existence of a fiduciary duty?
4. Have Plaintiffs stated a claim upon which relief may be granted against the Defendants for negligent and strict responsibility misrepresentation and, if not, should leave to amend have been granted?

2018AP1214-W

Raytrell K. Fitzgerald v. Circuit Crt. for Milwaukee County

Supreme Court case type: Petition for Review

Court of appeals: District I (Petition for Supervisory Writ denied)

Circuit Court: Milwaukee County, Judge Dennis R. Cimpl, presiding

Long caption: State of Wisconsin ex rel. Raytrell K. Fitzgerald, Petitioner, v. Circuit Court for Milwaukee County and the Honorable Dennis R. Cimpl, presiding, Respondents

Issues presented: State v. Scott, 2018 WI 74, ¶43, 382 Wis. 2d 476, 914 N.W.2d 141 held that “involuntary medication orders are subject to an automatic stay pending appeal.” Which event triggers the automatic stay – the entry of the involuntary medication order or the filing of a notice of appeal? Either way, must the circuit court enter an “automatic stay” order?

2017AP2021

Town of Rib Mountain v. Marathon County

Supreme Court case type: Petition for Review

Court of appeals: District III

Circuit Court: Marathon County, Judge Gregory B. Huber, reversed and cause remanded for further proceedings

Long caption: Town of Rib Mountain, Plaintiff-Appellant, v. Marathon County, Defendant-Respondent-Petitioner, Town of McMillan, Town of Mosinee, Town of Stettin, Town of Texas, Town of Wausau and Town of Weston, Defendants-Respondents

Issues presented:

1. Does the implementation of a Marathon County ordinance requiring adherence to a uniform naming and numbering system in the unincorporated Town of Rib Mountain exceed the authority granted by Wisconsin Statutes §§ 59.54(4) and (4m)?
2. Does the term “rural” within the context of Wisconsin Statutes §§ 59.54(4) and (4m) mean “unincorporated”?

Justice Ann Walsh Bradley did not participate.

2017AP2006-CR

State v. John Patrick Wright

Supreme Court case type: Petition for Review

Court of appeals: District I

Circuit Court: Milwaukee County, Judge Hannah C. Dugan, affirmed

Long caption: State of Wisconsin, Plaintiff-Appellant-Petitioner, v. John Patrick Wright, Defendant-Respondent

Issue presented: Does asking a lawfully stopped motorist as to whether he is carrying any weapons, in the absence of reasonable suspicion, unlawfully extend a routine traffic stop?

2018AP656

L.G. v. Aurora Residential Alternatives, Inc.

Supreme Court case type: Petition for Review

Court of appeals: District III (Dismissed appeal for lack of jurisdiction)

Circuit Court: Dunn County, Judge Rod W. Smeltzer

Long caption: L.G., by her Guardian, Chippewa Family Services, Inc., Plaintiff-Respondent, State of Wisconsin Department of Health Services and Centers for Medicare & Medicaid Services, Involuntary-Plaintiffs, v. Aurora Residential Alternatives, Inc., Aurora Integrated Management, Inc. and Aurora Community Services, Inc., Defendants-Appellants-Petitioners, Aurora 023 Community Based Residential Facility and Massachusetts Bay Insurance Company, Defendants

Issue presented: Whether an order denying a motion to compel arbitration is immediately appealable, as of right, under either Wis. Stat § 808.03(1)'s "final order" rule, or under the Federal Arbitration Act.

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

2016AP2471-CR State v. Gilbreath

2017AP773-CR State v. Przybyla

Dane

2017AP85 Kaufman v. Walker

2017AP534 Grant v. Schultz

2017AP590 State v. LIRC

2017AP930 State v. Lee

2017AP1241 AT&T Mobility, LLC v. Dept. of Revenue

2018AP929-OA Stewart v. Circuit Court for Dane County

Douglas

2017AP300-CR State v. Hampton

Jefferson

2017AP405 The Bank of New York Mellon v. Kломsten

Juneau

2017AP1394-CR State v. Coughlin

Kenosha

2017AP1624-CRNM State v. Tibbs

Langlade

2016AP847-CRNM State v. Dettlaff

Marinette

2018AP1328-W Nichols v. Boughton

Milwaukee

2016AP74-CR State v. Ross

2016AP400-CRNM State v. Agnew

2016AP2400-CR	<u>State v. Reyes</u>
2017AP40-CR	<u>State v. Wilson</u> <i>Justice Rebecca Frank Dallet did not participate.</i>
2017AP418-CR	<u>State v. Jenkins</u>
2017AP607-CR	<u>State v. Bland</u>
2017AP694	<u>Reinhart Foodservice LLC v. Bouraxis</u>
2017AP742-CR	<u>State v. Canales</u>
2017AP935	<u>State v. Flynn</u>
2017AP967-CR	<u>State v. Mbuga</u>
2017AP1252-CR	<u>State v. Dixon</u>
2017AP1466-CR	<u>State v. Echols</u>
2017AP1516	<u>State v. Bealin</u>
2017AP1519-21-CR	<u>State v. Ashley</u>
2017AP1586-CR	<u>State v. Armstead</u>
2017AP1587-88-CR	<u>State v. Stewart</u>
2017AP1752-CR	<u>State v. Mull</u>
2017AP1785-86	<u>State v. M.A.H.</u>
2017AP1816	<u>State v. Jacobi</u>
2017AP1851-CR	<u>State v. Fleming</u>
2017AP2309-CR	<u>State v. Jones</u>
2017AP2489	<u>State v. F.F.L.</u>
2017AP2509-CR	<u>State v. Correa</u>
2018AP27-W	<u>Munoz v. Schmidt</u> <i>Justice Rebecca Frank Dallet did not participate.</i>
<u>Oneida</u>	
2016AP2061-CRNM	<u>State v. Bartelt</u>

Ozaukee

2018AP861-W

Reddick v. Kemper

Portage

2017AP1642-CR

State v. Mick

2017AP2305-CR

State v. Wenger

2017AP2443-CR

State v. McCaskill

Racine

2017AP1586-CR

State v. Glover

2018AP2030-W

Dressler v. Circuit Court for Racine County

Sheboygan

2016AP1398-CR

State v. Torres

Walworth

2017AP1154-55-CR

State v. Dent

Waukesha

2017AP321-CR

State v. Corral

2017AP452-CR

State v. Gray

2018AP752

Craycraft v. Franklin Credit Management Corp.

Winnebago

17AP1233

Palisades Props. Inc. v. Town of Menasha

Justice Rebecca Grassl Bradley dissents.

Wood

2017AP1222-CR

State v. Ibragimov