



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Hon. Randy R. Koschnick
Director of State Courts

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

Tom Sheehan
Public Information Officer

CONTACT:
Tom Sheehan
Public Information Officer
(608) 261-6640

FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts four new cases

Madison, Wis. (Nov. 23, 2021) – The Wisconsin Supreme Court has voted to accept four new cases, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin and the issues presented in granted cases are listed below. 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 pending Supreme Court cases can be found [here](#).

2020AP225

Pagoudis v. Keidl

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Washington County, Judge Todd K. Martens, reversed

Long caption: Louis Pagoudis, Hanna Pagoudis, Sead Properties, LLC and Kearns Management, LLC, Plaintiffs-Appellants v. Marcus Keidl and Russell K. Berg d/b/a Intervest Inspections, Defendants, Amy Keidl a/k/a Amy Jo Weyker, Defendant-Respondent-Petitioner

Issues presented:

1. Whether a seller of residential real estate can be held liable in perpetuity to a subsequent third-party purchaser or transferee for alleged misrepresentations in a Real Estate Condition Report issued on a s part of an earlier home sale.
2. Whether an owner of residential real estate who transfers the property to a third party can recover for damages not incurred by the owner before transfer.
3. Whether Limited Liability Companies (LLCs) are treated as separate legal entities even if they are owned by the same person.

2020AP1124

Murphy v. Columbus McKinnon Corp.

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Sauk County, Judge Michael P. Screnock, reversed

Long caption: Matthew W. Murphy, Plaintiff-Appellant, Wisconsin Power and Light Company, Involuntary-Plaintiff v. Columbus McKinnon Corporation, Defendant-Respondent-Petitioner

Issues presented:

1. Did the Wisconsin State legislature ("Legislature") eliminate application of the consumer-contemplation standard for design defect claims when it enacted Wis. Stat. § 895.047?
2. If the Legislature did not eliminate application of the consumer-contemplation test, can a product, as a matter of law, be "unreasonable dangerous" where the risk was undisputedly obvious and foreseeable?
3. In a products liability design defect case, can a factfinder reasonably base its verdict on *ipse dixit* expert testimony that is: (i) not based on testing despite the expert's ability to test, or; (ii) reliant on the circular inference that the accident itself is evidence of a design defect?

2019AP2184

State v. Moeser

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Portage County, Judge Robert J. Shannon, affirmed and remanded with directions

Long caption: State of Wisconsin, Plaintiff-Respondent v. Jeffrey L. Moeser, Defendant-Appellant-Petitioner

Issue presented: Whether the 'Oath' requirement under the Fourth Amendment of the US Constitution and Article 1, Section 11 of the Wisconsin Constitution require a police officer to swear an oath to the truthfulness of an affidavit used to obtain a search warrant to conduct an evidentiary blood draw in a criminal OWI matter?

2020AP1014-CR

State v. Wilson

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge David L. Borowski, affirmed

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Christopher D. Wilson, Defendant-Appellant-Petitioner

Issue presented: Did the police have implicit license to enter the backyard of Mr. Wilson's home through a gated privacy fence?

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:

2018AP1679	<u>Marquardt v. LIRC</u>
2018AP1725-CRNM	<u>State v. Walters</u>
2018AP2444	<u>J.S. v. Wisconsin Dept. of Public Instruction</u>
2019AP244	<u>Barwick v. Barwick</u>
2019AP1023-CR	<u>State v. Loga-Negru</u>
2019AP1077-CR	<u>State v. Von Brown</u>
2019AP1130	<u>Hutchinson v. Kohner, Mann & Kailas, S.C.</u>
2019AP1253	<u>State v. Smith</u>
2019AP2020-CR	<u>State v. Blair</u>
2020AP27	<u>Anderson v. LIRC</u>
2020AP76-CR 2020AP77-CR	<u>State v. Williams</u>
2020AP174	<u>State v. Dominguez</u>
2020AP261-CR	<u>State v. Ross</u>
2020AP498-CR to 2020AP501-CR	<u>State v. Gutierrez</u>
2020AP694-CR	<u>State v. Marinez</u>
2020AP701	<u>State v. Kharb</u>
2020AP722	<u>State v. Anderson</u>
2020AP840	<u>Schottler v. DOT</u>
2020AP919	<u>Zimmer v. Zimmer</u> (Justice Rebecca Grassl Bradley dissents)
2020AP920-CR	<u>State v. Jacques</u>
2020AP966	<u>Florence County v. P.G.</u>

2020AP1469-CR

State v. Christenson

2020AP1502-CR

State v. Houston

2021AP1019-W

Collier v. Hanson

2015AP2027-CRNM

State v. Diaz

2019AP1575

MDS Enterprises v. Mid State Truck Svsc.

2019AP1861

McShan v. Hayes

2020AP910

State v. Davis

2021APXX527-CR

State v. Nieminski