

#56

4 pages

**OFFICE OF THE CLERK
SUPREME COURT AND COURT OF APPEALS**

110 East Main Street, Suite 215

P.O. Box 1688

Madison, WI 53701-1688

Telephone: (608) 266-1880

TTY Users: Call WI TRS at 1-800-947-3529; request (608) 266-1880

Facsimile: (608) 267-0640

Web Site: www.wicourts.gov

FACSIMILE TRANSMITTAL COVER SHEET

TO: SERVICE LIST G. 11AP 613 LV (Ozanne v. Fitzgerald)

FROM: CAZING

DATE: 6/2/2011

NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL SHEET): 4

11AP 613 LV COMMENTS:

- I. Ozanne
- M. Lazar
- S. Kilpatrick
- R. Sage
- K. Kubelt
- J. Jones

11AP 765 W.

- I. Ozanne
- M. Lazar
- S. Kilpatrick
- R. Sage
- E. McLeod
- J. Olson
- M. Screnock
- M. Stanton
- D. Strang
- S. Crawford
- T. Packard
- L. Pines
- R. Jambors

- J. Jones
- K. Kubelt

Invoice will follow for charges of \$1 per page for long distance transmissions;
\$0.40 per page for local transmissions.

1

OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site www.wicourts.gov



June 2, 2011

To:

Circuit Court for Dane County,

The Hon. Maryann Sumi

Hon. Maryann Sumi
Dane County Circuit Court Judge
215 South Hamilton, Br. 2, Rm. 7105
Madison, WI 53703

Marie A. Stanton
Dean A. Strang
Hurley, Burish & Stanton, S.C.
P.O. Box 1528
Madison, WI 53701-1528

Mark Miller

Susan M. Crawford
Lester A. Pines
Cullen Weston Pines & Bach LLP
122 W. Washington Ave., #900
Madison, WI 53703

Peter Barca

Robert J. Jambois
Jambois Law Office
P.O. Box 620321
Middleton, WI 53562

State of Wisconsin

Michael D. Huebsch

Maria S. Lazar
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

*Additional Parties listed on Page 3

You are hereby notified that the Court has entered the following order:

No. 2011AP613-LV

Ozanne v. Fitzgerald L.C.#2011CV1244

No. 2011AP765-W

State v. Circuit Court for Dane Cnty. L.C.#2011CV1244

In Case No. 2011AP613-LV (L.C. #2011CV1244), pursuant to Wis. Stat. § (Rule) 809.61 and J.S.R. v. Circuit Court for Fond du Lac County, 111 Wis. 2d 261, 263, 330 N.W.2d 217 (1983), the court of appeals certified a petition for leave to appeal a non-final order and accompanying motion for temporary relief to this court. The petition and motion arise out of a Dane County circuit court case in which Dane County District Attorney Ismael Ozanne has alleged violations of the Open Meetings Law, Wis. Stat. § 19.81, et. seq., in connection with the

Page 2

June 2, 2011

No. 2011AP613-LV

Ozanne v. Fitzgerald L.C.#2011CV1244

No. 2011AP765-W

State v. Circuit Court for Dane Cnty. L.C.#2011CV1244

enactment of 2011 Wisconsin Act 10, commonly known as the Budget Repair Bill. The certification remains pending before this court;

In Case No. 2011AP765-W, a petition for supervisory writ pursuant to Wis. Stat. §§ (Rules) 809.71 and 809.51 and for immediate temporary relief pursuant to Wis. Stat. § (Rule) 809.52 has been filed on behalf of petitioners, State of Wisconsin and State of Wisconsin ex rel. Michael D. Huebsch, Secretary of the Wisconsin Department of Administration, and is now pending before this court;

On May 4, 2011, this court scheduled oral argument in Case No. 2011AP765-W on June 6, 2011, at 9:45 a.m.;

IT IS ORDERED that the oral argument scheduled for June 6, 2011, shall pertain to both Case No. 2011AP765-W and Case No. 2011AP613-LV (L.C. #2011CV1244).

IT IS FURTHER ORDERED the following parties are allotted oral argument as scheduled, in the following sequence:

State of Wisconsin and State of Wisconsin ex rel. Michael D. Huebsch: 50 minutes;

Dane County Circuit Court, Hon. MaryAnn Sumi, presiding: 15 minutes;

Dane County District Attorney, Ismael R. Ozanne: 15 minutes;

Peter Barca: 10 minutes;

Mark Miller: 10 minutes;

Douglas LaFollette: 10 minutes; and

State of Wisconsin and State of Wisconsin ex rel. Michael D. Huebsch: 10 minutes rebuttal.

IT IS FURTHER ORDERED the motion of Dane County Circuit Court, Hon. MaryAnn Sumi presiding, to supplement the record in Case No. 2011AP765-W with the findings of fact, conclusions of law, memorandum decision and judgment of May 26, 2011, entered in State ex rel. Ozanne v. Fitzgerald, Dane County Circuit Court Case No. 2011CV1244, is granted.

IT IS FURTHER ORDERED the above named parties file by 5:00 pm on June 3, 2011, letter memoranda addressing the effect of the circuit court's May 26, 2011, findings, conclusions, decision and judgment on Case No. 2011AP613-LV (L.C. #2011CV1244) and Case No. 2011AP765-W, including: (1) whether an appeal is an available remedy and to whom; (2) whether the circuit court's May 26, 2011, judgment is final for purposes of appeal; (3) whether this court's exercise of original jurisdiction may include the appellate power to review a circuit court judgment absent the filing of an appeal; (4) whether any of the circuit court's findings of fact are clearly erroneous; and (5) whether any facts beyond those found by the circuit court, material to the determination of the issues in Case No. 2011AP613-LV (L.C. #2011CV1244) and Case No. 2011AP765-W, are in dispute.

Page 3

June 2, 2011

No. 2011AP613-LV

No. 2011AP765-W

Ozanne v. Fitzgerald L.C.#2011CV1244State v. Circuit Court for Dane Cnty. L.C.#2011CV1244

IT IS FURTHER ORDERED the parties shall be prepared to address during oral argument the above issues, as well as this court's jurisdiction, the underlying issues, and the substantive merits in both Case No. 2011AP613-LV (L.C. #2011CV1244) and Case No. 2011AP765-W.

A. John Voelker
Acting Clerk of Supreme Court

*Additional Parties:

Steven C. Kilpatrick
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Eric M. McLeod
Michael P. Srenock
Michael Best & Friedrich LLP
P.O. Box 1806
Madison, WI 53701-1806

Joseph Louis Olson
Michael, Best & Friedrich, LLP
100 E. Wisconsin Ave., Ste. 3300
Milwaukee, WI 5320

Ismael R. Ozanne

Ismael R. Ozanne
District Attorney
215 South Hamilton, Rm. 3000
Madison, WI 53703

Douglas La Follette

Roger A. Sage
Roger Sage Law Office
30 W. Mifflin, #1001
Madison, WI 53703-2591

Jeff Fitzgerald
Scott Fitzgerald
Michael Ellis
Scott Suder
Joint Committee on Conference
Wisconsin State Senate
Wisconsin State Assembly
Maria S. Lazar
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Carlo Esqueda
Clerk of Circuit Court
215 South Hamilton, Rm. 1000
Madison, WI 53703

Jina L. Jonen
Kurt C. Kobelt
Wisconsin Education Association Council
P.O. Box 8003
Madison, WI 53708

A. John Voelker
Director of State Courts
P.O. Box 1688
Madison, WI 53701-1688