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September 13, 2017

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

2016AP1394

Enku Edgar Lin v. Wisconsin Government Accountability Board
(L.C. # 2016CV4590)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Enku Edward Lin appeals an order affirming a decision of the Government Accountability Board (GAB) to place a candidate on an election ballot. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary

disposition. *See* WIS. STAT. RULE 809.21 (2015-16).¹ Because the disputed election has already occurred, we dismiss the appeal as moot.

This appeal concerns a challenge by Lin to the GAB's review of signatures submitted for a fall 2016 partisan primary election. Specifically, Lin filed a challenge with the GAB disputing the signatures submitted by his opponent, Representative Leon Young. The GAB rejected Lin's challenges and ordered that Young be placed on the ballot. Lin filed in the circuit court a petition seeking judicial review of the GAB's decision. In a July 11, 2016 written decision and order, the circuit court affirmed the GAB's decision. Lin appealed to this court. On August 9, 2016, the primary election occurred and Lin lost.

“An issue is moot when its resolution will have no practical effect on the underlying controversy.” *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. As a matter of judicial economy, we generally decline to review a case as soon as mootness is shown, regardless of when or how it is shown. *Reserve Life Ins. Co. v. La Follette*, 108 Wis. 2d 637, 643 n.4, 323 N.W.2d 173 (Ct. App. 1982). We may, however, choose to address moot issues under narrow circumstances. In our discretion we may decide an otherwise moot issue if it:

(1) is of great public importance; (2) occurs so frequently that a definitive decision is necessary to guide circuit courts; (3) is likely to arise again and a decision of the court would alleviate uncertainty; or (4) will likely be repeated, but evades appellate review because the appellate review process cannot be completed or even undertaken in time to have a practical effect on the parties.

State v. Morford, 2004 WI 5, ¶7, 268 Wis. 2d 300, 674 N.W.2d 349.

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Lin's dispute with the GAB concerns an election that occurred over one year ago. As both parties acknowledge, the issues raised by Lin on appeal are moot; resolving his claims will have no practical effect on this case or the parties thereto. Additionally, Lin has not persuaded us that a decision on the merits of his otherwise moot issues is appropriate or warranted in light of the *Morford* criteria.²

Upon the foregoing reasons,

IT IS ORDERED that the appeal is summarily dismissed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals

² Though Lin's brief asserted that the issues presented were of public importance, likely to reoccur, and apt to evade appellate review, the GAB's brief persuasively rebuts these arguments. Lin has not filed a reply brief attempting to counter the GAB's arguments.