

SUPREME COURT OF WISCONSIN

CASE No.: 02-1790

COMPLETE TITLE:

Steven H. Hoyme,
Petitioner-Respondent,

v.

Janice S. Brakken,
Respondent-Appellant-Petitioner.

REVIEW OF A DECISION OF THE COURT OF APPEALS
Reported at: 266 Wis. 2d 1060, 668 N.W.2d 562
(Ct. App. 2003-Unpublished)

OPINION FILED: March 25, 2004

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: March 10, 2004

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Marinette
JUDGE: David G. Miron

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: SYKES, J., did not participate.

ATTORNEYS:

For the respondent-appellant-petitioner there were briefs by *Donald R. Fraker* and *Fraker Law Firm, S.C.*, Mequon, and oral argument by *Donald R. Fraker*.

For the petitioner-respondent there was a brief by *Janis M. Burgess* and *Wesley W. Hoffman & Associates, P.C.*, Menominee, MI, and oral argument by *Janis M. Burgess*.

2004 WI 26

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 02-1790
(L.C. No. 00 CV 205)

STATE OF WISCONSIN

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IN SUPREME COURT

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FILED

MAR 25, 2004

Cornelia G. Clark
Clerk of Supreme Court

REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on the question of whether the decision of the court of appeals, Hoyme v. Brakken, No. 02-1790, unpublished slip op. (Wis. Ct. App. July 22, 2003), should be affirmed or reversed. Justice JON P. WILCOX, Justice N. PATRICK CROOKS, and Justice DAVID T. PROSSER would affirm; Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY, and Justice PATIENCE D. ROGGENSACK would reverse. Justice DIANE S. SYKES did not participate.

¶2 Accordingly, the decision of the court of appeals is affirmed.

