

## SUPREME COURT OF WISCONSIN

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CASE No.: 02-3293

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## COMPLETE TITLE:

GPS, Inc.,  
Plaintiff-Respondent-Petitioner,  
v.  
Town of St. Germain,  
Defendant-Appellant.

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REVIEW OF A DECISION OF THE COURT OF APPEALS  
Reported at: 266 Wis. 2d. 694, 667 N.W.2d 378  
(Ct. App. 2003-Unpublished)

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OPINION FILED: June 22, 2004  
SUBMITTED ON BRIEFS:  
ORAL ARGUMENT: February 12, 2004

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## SOURCE OF APPEAL:

COURT: Circuit  
COUNTY: Vilas  
JUDGE: James B. Mohr

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## JUSTICES:

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

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## ATTORNEYS:

For the plaintiff-respondent-petitioner there were briefs by *Robert J. Dreps, James A. Friedman, Jennifer L. Peterson* and *LaFollette Godfrey & Kahn, S.C.*, Madison, and oral argument by *James A. Friedman*.

For the defendant-appellant there was a brief by *William P. O'Connor, Mary Beth Peranteau* and *Wheeler, Van Sickle & Anderson, S.C.*, Madison, and oral argument by *William P. O'Connor*.

An amicus curiae brief was filed by *Claire Silverman*, Madison, on behalf of League of Wisconsin Municipalities.

An amicus curiae brief was filed by *Robert Horowitz, Richard K. Nordeng* and *Stafford Rosenbaum, LLP*, Madison, on behalf of Wisconsin Counties Association and Wisconsin Towns Association, and oral argument by *Richard K. Nordeng*.

An amicus curiae brief was filed by *Peter C. Christianson* and *Quarles & Brady LLP*, Milwaukee, on behalf of The Wisconsin Newspaper Association and the Wisconsin Broadcasters Association.

An amicus curiae brief was filed by *Michael J. Morse*, Menomonee Falls; *Christopher J. Jaekels* and *Cook & Franke, S.C.*, Milwaukee; and *William F. White*, *Brian J. Rybarik*, *Roisin H. Bell*, and *Michael Best & Friedrich, LLP*, Madison, on behalf of the Administrative and Local Government Section of the State Bar of Wisconsin, and oral argument by *William F. White*.

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NOTICE

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

No. 02-3293  
(L.C. No. 00-CV-49)

STATE OF WISCONSIN

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IN SUPREME COURT

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**GPS, Inc.**

**Plaintiff-Respondent-Petitioner,**

**v.**

**Town of St. Germain**

**Defendant-Appellant.**

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**FILED**

**JUN 22, 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 unpublished decision of the court of appeals in GPS, Inc. v. Town of St. Germain, 02-3293, unpublished slip op. (Wis. Ct. App. June 24, 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.

