

# SUPREME COURT OF WISCONSIN

CASE No.: 99-2037

COMPLETE TITLE:

S.J.A.J.,  
 Plaintiff-Respondent-Cross-Appellant-  
 Petitioner,  
 v.  
 First Things First, Ltd. and Frontier  
 Insurance Company,  
 Defendants-Appellants-Cross-Respondents,  
 The Travelers Insurance,  
 Defendant-Respondent,  
 David B. Hatch, Chicago Insurance Company, Aetna  
 Life Insurance Company and Blue Cross & Blue  
 Shield United of Wisconsin,  
 Defendants.

REVIEW OF A DECISION OF THE COURT OF APPEALS  
 Reported at: 239 Wis. 2d 233, 619 N.W.2d 307  
 (Ct. App.-Unpublished)

OPINION FILED: November 6, 2001  
 SUBMITTED ON BRIEFS:  
 ORAL ARGUMENT: September 13, 2001

SOURCE OF APPEAL:

COURT: Circuit  
 COUNTY: Eau Claire  
 JUDGE: Eugene D. Harrington

JUSTICES:

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

ATTORNEYS:

For the plaintiff-respondent-cross appellant-petitioner there were briefs by *Phillip M. Steans* and *Phillip M. Steans, S.C.*, Menomonie, and *Matthew A. Biegert* and *Doar, Drill & Skow, S.C.*, New Richmond, and oral argument by *Phillip M. Steans*.

For the defendants-appellants-cross respondents there was a brief by *James A. Pelish* and *Thrasher, Doyle, Pelish & Franti, Ltd.*, Rice Lake, and oral argument by *James A. Pelish*.

An amicus curiae brief was filed by *Mary Dianne Greenley*,  
Madison, on behalf of the Wisconsin Coalition for Advocacy, Inc.

NOTICE

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

No. 99-2037  
(L.C. No. 97 CV 254)

STATE OF WISCONSIN

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IN SUPREME COURT

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**S.J.A.J.,**

**Plaintiff-Respondent-Cross-  
Appellant-Petitioner,**

**v.**

**First Things First, Ltd. and Frontier  
Insurance Company,**

**Defendants-Appellants-Cross-  
Respondents,**

**The Travelers Insurance,**

**Defendant-Respondent,**

**David B. Hatch, Chicago Insurance  
Company, Aetna Life Insurance Company and  
Blue Cross & Blue Shield United of  
Wisconsin,**

**Defendants.**

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**FILED**

NOV 6, 2001

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 whether to affirm or reverse the decision of the court of appeals.

Justice Jon P. Wilcox, Justice N. Patrick Crooks, and Justice Diane S. Sykes would affirm; Chief Justice Shirley S. Abrahamson, Justice Ann Walsh Bradley, and Justice David T. Prosser would reverse. Justice William A. Bablitch did not participate.

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

