



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Annette Kingsland
Ziegler
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

Hon. Audrey K.
Skwierawski
Director of State
Courts

CONTACT:
Stephen Kelley
Public Information Officer
communications@wicourts.gov
(608) 261-6640

Wisconsin Supreme Court accepts three cases at December 10 conference

Madison, Wisconsin (January 16, 2025) – The Wisconsin Supreme Court recently voted to accept three cases, and the Court acted to deny review in a number of other cases at its December 10, 2024 conference. The case numbers, counties of origin and the issues presented in granted cases are listed below. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of pending Supreme Court cases can be found [here](#).

Supreme Court case type: Petition for Bypass

Court of Appeals: District I

Circuit Court: Dane County, Judge Jacob B. Frost.

Long caption: Service Employees International Union Healthcare Wisconsin, Petitioner-Appellant-Petitioner, University of Wisconsin Hospitals & Clinics Authority, Other Party, v. Wisconsin Employment Relations Commission, Respondent-Respondent-Respondent.

Issue(s) presented:

1. Does the Wisconsin Employment Peace Act, Wis. Stat. § 111.02 et seq.,¹ apply to the University of Wisconsin Hospitals and Clinics Authority, a political corporation and "body corporate and politic," and its employees and their chosen representatives?

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge Christopher R. Foley. *Affirmed.*

Long caption: Carol Lorbiecki, Plaintiff-Respondent-Cross-Appellant-Respondent, Estate of Gerald E. Lorbiecki, Plaintiff, v. Pabst Brewing Company, Defendant-Appellant-Cross-Respondent-Petitioner, Ingersoll Rand Company, Molson Coors Brewing Company, Sears, Roebuck and Co., General Electric Company and Cleaver-Brooks Inc., Defendants.

Issue(s) presented:

1. Is Pabst liable under Wisconsin's safe place statute for Mr. Lorbiecki's injuries?
2. Should the jury be allowed to consider punitive damages for every alleged negligent violation of Wisconsin's safe place statute?
3. Does the statutory phrase "compensatory damages recovered" in Wisconsin Statute § 895.043(6) include damages that a plaintiff cannot recover?

¹The Peace Act defines "employer" broadly to mean "a person who engages the services of an employee." Wis. Stat. § 111.02(7)(a).

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Waukesha County, Judge Paul Bugenhagen Jr. *Affirmed.*

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Joan L. Stetzer, Defendant-Appellant-Petitioner.

Issue(s) presented:

1. Does Wis. Stat. § 939.46(1) permit a trial court to artificially and temporally subdivide a single “act” that is entitled to the privilege at its inception and determine whether each subdivided portion of the single “act” would be entitled to the privilege if viewed in isolation before the coercion defense will be applied? **(granted)**
 2. If the answer to the above question is yes, do such limitations on the statutory coercion defense violate Marcy’s Law by forcing victims of intimate violence facing a risk of death or great bodily harm to choose between remaining in that dangerous circumstance or risking criminal conviction if a court reviewing the victim’s means of escape after the fact concludes that the defense, even if applicable at the inception of the act, would not apply to a temporal subsection of the single “act”? **(denied)**
 3. Did the trial court fail to apply the correct legal standard by failing to consider the reasonableness of Joan’s decision not to stop and report her husband’s assault to the police from the perspective of a reasonable person with Joan’s particular characteristics and personal history? **(granted)**
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Review denied: The Supreme Court denied review in the following cases. As the state’s law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

Barron County

2022AP613-CR State v. Hoppe

Brown County

2022AP1787 State v. Duffie

Dane County

2022AP1624 Kinsler v. City of Monona

2023AP1569 Buck v. Buck

2024AP1298 Disability Rights v. W.E.C. (BYP)

Dodge County

2022AP2153 State v. Sehrbrock

Door County

2022AP1747-CR State v. Welton

2023AP733 Zahran v. Pinkert

Douglas County

2022AP1174

O'Keefe v. Amazon

Florence County

2023AP576

State v. Pietrantonio

Fond du Lac County

2022AP905

J.R. v. R.S.

Kenosha County

2022AP655-CR

State v. Vandervere

2022AP1943-CR

State v. Glidden

2022AP1944-CR

Manitowoc County

2024AP832

Pitsch v. Charter Communications, Inc.

Milwaukee County

2021AP238-CR

State v. Smith

2022AP825-CR

State v. Vargas-Reyes

2022AP1832-CR

State v. Words

[Justice Protasiewicz did not participate]

2022AP2057-CR	<u>State v. Childs</u>
2023AP95 2023AP96	<u>State v. Batista-Cabrera</u>
2023AP1844-CR	<u>State v. Jackson</u> [Justice Protasiewicz did not participate]
2024AP995-W	<u>Green v. Hepp</u>
2024AP1652-W	<u>Conley v. Wagner</u>
 <u>Oneida County</u>	
2022AP1089-CR	<u>State v. Darnick</u>
 <u>Racine County</u>	
2024AP1116	<u>A.K.B. v. J.J.G.</u>
 <u>Rock County</u>	
2022AP1324-CR	<u>State v. Vance</u>
2023AP209	<u>State v. Davis</u>
2023AP842	<u>State v. Hill</u>
2023AP924-CR	<u>State v. Landis</u>
2024AP1084	<u>State v. Seeley</u>

Sheboygan County

2023AP942

Pine Haven Christian Home, Inc. v. Village of Oostburg

St. Croix County

2022AP1199-CR

State v. Julien

Waukesha County

2022AP669

Volkert v. Volkert

2023AP76

Braun v. Vote.org

2023AP874-CR

State v. Stetzer

2023AP1598-CR

State v. Yochum

Winnebago County

2023AP735-CR

State v. Kalash

2023AP611

Fitzgibbon v. Fitzgibbon