



OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: [www.wicourts.gov](http://www.wicourts.gov)

April 9, 2019

To:

Hon. Valerie Bailey-Rihn  
Circuit Court Judge  
215 S. Hamilton St.  
Madison, WI 53703

Robert I. Fassbender  
Great Lakes Legal Foundation  
10 E. Doty St., Ste. 504  
Madison, WI 53703

Carlo Esqueda  
Clerk of Circuit Court  
215 S. Hamilton St., Rm. 1000  
Madison, WI 53703

Gabe Johnson-Karp  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Luke N. Berg  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

\*Address list continues on Page 3

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

---

No. 2018AP59                      Clean Wisconsin, Inc. v. DNR L.C.#s 2016CV2817, 2016CV2818,  
2016CV2819, 2016CV2820, 2016CV2821, 2016CV2822,  
2016CV2823 & 2016CV2824

The court having considered the court of appeals' request pursuant to Wis. Stat. § (Rule) 809.61 that this court accept the certification of this appeal;

IT IS ORDERED the certification is granted and the appeal is accepted for consideration of all issues raised before the court of appeals. When this court grants direct review upon certification, it acquires jurisdiction of the case, Wis. Const. art. VII, § 3(3), that is, the entire appeal, which includes all issues, not merely the issues certified or the issue for which the court accepts the certification. State v. Stoehr, 134 Wis. 2d 66, 70, 396 N.W.2d 177 (1986); Wis. Stat. §§ 808.05(2) and (Rule) 809.61. Further, the court has jurisdiction over issues not certified because the court may review an issue directly on its own motion. Wis. Stat. § 808.05(3); and

Clean Wisconsin, Inc. v. DNR L.C.#s 2016CV2817, 2016CV2818,  
2016CV2819, 2016CV2820, 2016CV2821, 2016CV2822,  
2016CV2823 & 2016CV2824

IT IS FURTHER ORDERED that within 30 days after the date of this order the appellant must file either a brief in this court or a statement that no brief will be filed; that within 20 days of filing, the respondent must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the respondent, within 10 days of filing, the appellant must file either a reply brief or a statement that no reply brief will be filed; and

IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief; instead, any material upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that in the event any party elects not to file a brief in this court, the briefs previously submitted by that party to the court of appeals shall stand as that party's brief in the Supreme Court; and

IT IS FURTHER ORDERED that within the time period established for the filing of briefs, each party must provide the clerk of this court with copies of the briefs previously filed on behalf of that party in the court of appeals. If a party elects to file a new brief(s), 10 copies of their court of appeals brief(s) must be provided. If a party elects to stand on their court of appeals brief(s), 17 copies of each of their court of appeals brief(s) must be provided; and

IT IS FURTHER ORDERED that this case be scheduled for oral argument on the same calendar assignment as Case Nos. 2016AP1688 and 2016AP2502, Clean Wisconsin, Inc. v. DNR,<sup>1</sup> and

IT IS FURTHER ORDERED that the parties shall be notified of the date and time for oral argument in this appeal in due course.

---

Sheila T. Reiff  
Clerk of Supreme Court

---

<sup>1</sup> On April 9, 2019, the court accepted the certification in Case Nos. 2016AP1688 and 2016AP2502, Clean Wisconsin, Inc. v. DNR.

Page 3  
April 9, 2019  
No. 2018AP59

Clean Wisconsin, Inc. v. DNR L.C.#s 2016CV2817, 2016CV2818,  
2016CV2819, 2016CV2820, 2016CV2821, 2016CV2822,  
2016CV2823 & 2016CV2824

\*Address list continued:

Kathryn A. Nekola  
Clean Wisconsin  
634 W. Main St., Ste. 300  
Madison, WI 53703-2687

Tressie Kelleher Kamp  
Midwest Environmental Advocates, Inc.  
612 West Main Street, Ste. 302  
Madison, WI 53703

Carl A. Sinderbrand  
Axley Brynson, LLP  
P.O. Box 1767  
Madison, WI 53701-1767

Henry E. Koltz  
Schmidt, Darling & Erwin  
2600 N. Mayfair Rd., Ste. 1000  
Milwaukee, WI 53226