

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3895/P1dn
TKK:sac&med:rs

February 7, 2012

Senator Holperin:

I have two questions about this draft; together, these questions raise the prospect of inconsistent applications of the rules governing appeals from cases heard in Dane County.

1. As drafted, this bill provides that, when an appeal is taken from an action brought in the plaintiff's county of residence or from the county in which the plaintiff's principal place of business or registered agent is located, the appeal must be heard in the court of appeals district selected by the appellant, but that court of appeals district may not be the district that contains the court from which the judgment or order is appealed. The bill does not, however, require an appeal of a case brought in Dane County to be heard in a court of appeals district that does not contain Dane County. Is that your intent?

2. If an appeal is brought from an action venued in Dane County for the reason that Dane County is the plaintiff's county of residence or the county in which the principal place of business of the plaintiff is located, the appeal may not be in the court of appeals district that contains Dane County. Is that your intent?

Please let me know if you would like to make any changes to the draft to address these issues. Also, this draft contains a correction to current law s. 801.50 (3) (b), in which the word "invalidly" appears instead of "invalidity." Let me know if you have any questions or concerns about including this correction.

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