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Supreme Court of Wisconsin

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January 19, 2018

To:

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

No. 2017AP1240

McAdams v. Marquette University L.C.#2016CV3396

The court having considered the petition to bypass the court of appeals submitted on behalf of plaintiff-appellant, John McAdams;

IT IS ORDERED the petition to bypass is granted and the appeal is accepted for consideration in this court; and

IT IS FURTHER ORDERED that the briefs previously submitted by the parties to the court of appeals may stand as the parties' briefs in this court. The parties shall submit 17 additional copies of their briefs within 10 days of the date of this order. The parties will be notified of the date and time for oral argument in this appeal in due course.

ANNETTE KINGSLAND ZIEGLER, J., did not participate.

SHIRLEY S. ABRAHAMSON and ANN WALSH BRADLEY, J.J. (*dissenting*). This court's Internal Operating Procedures provide:

A matter appropriate for bypass is usually one which meets one or more of the criteria for review, Wis. Stat. § (Rule) 809.62(1), and one the court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. At times, a petition for bypass will be granted where there is a clear need to hasten the ultimate appellate decision. (Wis. S. Ct. IOP III B.2. (June 21, 2017).

This court grants petitions to bypass sparingly and has long taken the position that in almost all instances it is valuable to have the benefit of the court of appeals' analysis before granting review. There does not appear to be any need to hasten the ultimate appellate decision in this matter, and we believe the court would benefit from the court of appeals' analysis of the issues. Thus, we would not deviate from the court's normal practice by granting this petition to bypass.

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