

SUPREME COURT OF WISCONSIN

CASE No. : 2007AP203

COMPLETE TITLE :

Michael S. Polsky as receiver for Communications
Products
Corporation,
Plaintiff-Respondent-Cross-Appellant-
Petitioner,
v.
Daniel E. Virnich and Jack M. Moores,
Defendants-Appellants-Cross-
Respondents.

REVIEW OF A DECISION OF THE COURT OF APPEALS
2010 WI App 20
Reported at 323 Wis. 2d 811, 779 N.W.2d 712
(Ct. App. 2010 - Published)

OPINION FILED: March 2, 2011

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: February 3, 2011

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Grant
JUDGE: Michael Kirchman

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: ZIEGLER, J. did not participate.

ATTORNEYS:

For the plaintiff-respondent-cross-appellant-petitioner there were briefs by *Robert J. Kasieta, Andrew J. Parrish* and *Kasieta Legal Group, LLC*, Madison, and oral argument by *Robert J. Kasieta*.

For the defendants-appellants-cross-respondents there were briefs by *Donald K. Schott, Valerie L. Bailey-Rihn, James Richgels, Freya K. Bowen, Elyce M. Wos* and *Quarles & Brady LLP*, Madison and *Jeffrey O. Davis* and *Quarles & Brady LLP*, Milwaukee, and oral argument by *Donald K. Schott*.

Amicus curiae briefs were filed by *John E. Knight, James E. Bartzen, Kirsten E. Spira* and *Boardman, Suhr, Curry & Field LLP*, Madison, on behalf of the Wisconsin Bankers Association.

An amicus curiae brief was filed by *William Haus and Haus, Roman and Banks, LLP*, Madison, on behalf of the Sheet Metal Workers Local #565, affiliated with Sheet Metal Workers International Association, AFL-CIO.

NOTICE

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

No. 2007AP203
(L.C. No. 2004CV285)

STATE OF WISCONSIN

:

IN SUPREME COURT

**Michael S. Polsky as receiver for
Communications Products Corporation,**

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

v.

Daniel E. Virnich and Jack M. Moores,

Defendants-Appellants-Cross-Respondents.

FILED

MAR 2, 2011

A. John Voelker
Acting Clerk of Supreme
Court

REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on the question of whether the decision of the court of appeals, Polsky v. Virnich, 2010 WI App 20, 323 Wis. 2d 811, 779 N.W.2d 712, should be affirmed or reversed. Justice DAVID T. PROSSER, Justice PATIENCE DRAKE ROGGENSACK and Justice MICHAEL J. GABLEMAN would affirm; Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY and Justice N. PATRICK CROOKS would reverse. Justice ANNETTE K. ZIEGLER did not participate.

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

