

## SUPREME COURT OF WISCONSIN

---

CASE No.: 02-0528

---

## COMPLETE TITLE:

Daniel Lynch and Judith O. Lynch,  
Plaintiffs-Appellants-Cross-  
Respondents-Petitioners,

v.

Carriage Ridge, LLC,  
Defendant-Respondent,

Thomas F. Bunbury and Ronald T. Restaino,  
Defendants-Respondents-Cross-  
Appellants-Cross Petitioners.

---

REVIEW OF A DECISION OF THE COURT OF APPEALS  
Reported at: 266 Wis. 2d 1059, 668 N.W.2d 562  
(Ct. App. 2003-Unpublished)

---

OPINION FILED: May 18, 2004  
SUBMITTED ON BRIEFS:  
ORAL ARGUMENT: April 29, 2004

---

## SOURCE OF APPEAL:

COURT: Circuit  
COUNTY: Dane  
JUDGE: David T. Flanagan

---

## JUSTICES:

CONCURRED:  
DISSENTED:  
NOT PARTICIPATING: ROGGENSACK, J., did not participate.

---

## ATTORNEYS:

For the plaintiffs-appellants-cross-respondents-petitioners there were briefs by *Gary A. Ahrens, Christine Cooney Mansour and Michael Best & Friedrich, LLP*, Milwaukee, and oral argument by *Gary A. Ahrens*.

For the defendants-respondents-cross-appellants-cross-petitioners there were briefs by *Brian E. Butler, Michelle M. Affatati and Stafford Rosenbaum LLP*, Madison, and oral argument by *Brian E. Butler*.

For the defendant-respondent there was a brief by *Terry E. Johnson, Maria D. Sanders* and *Peterson, Johnson & Murray, S.C.*, Milwaukee.

NOTICE

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

No. 02-0528  
(L.C. No. 00 CV 1957)

STATE OF WISCONSIN

:

IN SUPREME COURT

---

Daniel Lynch and Judith O. Lynch,

~~Plaintiffs-Appellants-Cross-  
Respondents-Petitioners,~~

v.

Carriage Ridge, LLC,

~~Defendant-Respondent,~~

Thomas F. Bunbury and Ronald T. Restaino,

~~Defendants-Respondents-Cross-  
Appellants-Cross Petitioners.~~

---

**FILED**

**MAY 18, 2004**

Cornelia G. Clark  
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The court is equally divided on the question of whether the decision of the court of appeals, Lynch v. Carriage Ridge, unpublished per curiam op. (Wis. Ct. App. July 24, 2003), should be affirmed or reversed. Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY, and Justice DAVID T. PROSSER would affirm; Justice JON P. WILCOX, Justice N.

PATRICK CROOKS, and Justice DIANE S. SYKES would reverse.  
Justice PATIENCE D. ROGGENSACK did not participate.

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

