

SUPREME COURT OF WISCONSIN

CASE No.: 02-0826

COMPLETE TITLE:

Gerald F. Weiland and Carol Ann Weiland,
Plaintiffs-Respondents,
v.
Daniel G. Paulin and Joan E. Paulin,
Defendants-Appellants.

REVIEW OF A DECISION OF THE COURT OF APPEALS
2002 WI App 311
Reported at: ___ Wis. 2d ___, 655 N.W.2d 204
(Ct. App. 2002-Published)

OPINION FILED: April 24, 2003

SUBMITTED ON BRIEFS:

ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT:

COUNTY:

JUDGE:

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING:

ATTORNEYS:

SUPREME COURT OF WISCONSIN

NOTICE

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

No. 02-0826

Gerald F. Weiland and Carol Ann Weiland,

Plaintiffs-Respondents,

v.

Daniel G. Paulin and Joan E. Paulin,

Defendants-Appellants.

FILED

APR 24, 2003

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

The Court entered the following order on this date:

Upon consideration of the petition for review filed in this matter by Attorney Joseph J. Kroening challenging that portion of the court of appeals' November 13, 2002 decision that, on the court's own motion, declared that the appeal Attorney Kroening filed on behalf of the defendants-appellants-petitioners, Daniel and Joan Paulin, was frivolous under Wis. Stat. § (Rule) 809.25(3)(c)2 and directed that costs and fees for the frivolous appeal be assessed solely against Attorney Kroening,

IT IS ORDERED the petition for review is granted and that part of the court of appeals' decision declaring the appeal to be frivolous is summarily reversed and the cause is remanded to the court of appeals with directions that: (1) the court of appeals shall give Attorney Kroening an opportunity to be heard regarding the frivolous appeal determination, and (2) the court of appeals shall then make specific findings to support any conclusion that the appeal is frivolous under Wis. Stat. § (Rule) 809.25(3)(c)2.

