

## SUPREME COURT OF WISCONSIN

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CASE No.: 02-1790

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## COMPLETE TITLE:

Steven H. Hoyme,  
Petitioner-Respondent,

v.

Janice S. Brakken,  
Respondent-Appellant-Petitioner.

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REVIEW OF A DECISION OF THE COURT OF APPEALS  
Reported at: 266 Wis. 2d 1060, 668 N.W.2d 562  
(Ct. App. 2003-Unpublished)

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OPINION FILED: March 25, 2004

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: March 10, 2004

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## SOURCE OF APPEAL:

COURT: Circuit  
COUNTY: Marinette  
JUDGE: David G. Miron

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## JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: SYKES, J., did not participate.

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## ATTORNEYS:

For the respondent-appellant-petitioner there were briefs by *Donald R. Fraker* and *Fraker Law Firm, S.C.*, Mequon, and oral argument by *Donald R. Fraker*.

For the petitioner-respondent there was a brief by *Janis M. Burgess* and *Wesley W. Hoffman & Associates, P.C.*, Menominee, MI, and oral argument by *Janis M. Burgess*.

2004 WI 26

NOTICE

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

No. 02-1790  
(L.C. No. 00 CV 205)

STATE OF WISCONSIN

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IN SUPREME COURT

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**Steven H. Hoyme,**

**Petitioner-Respondent,**

**v.**

**Janice S. Brakken,**

**Respondent-Appellant-Petitioner.**

**FILED**

**MAR 25, 2004**

Cornelia G. Clark  
Clerk of Supreme Court

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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is equally divided on the question of whether the decision of the court of appeals, Hoyme v. Brakken, No. 02-1790, unpublished slip op. (Wis. Ct. App. July 22, 2003), should be affirmed or reversed. Justice JON P. WILCOX, Justice N. PATRICK CROOKS, and Justice DAVID T. PROSSER would affirm; Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY, and Justice PATIENCE D. ROGGENSACK would reverse. Justice DIANE S. SYKES did not participate.

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



