

VINCENT MILEWSKI and
MORGANNE MACDONALD,

Plaintiffs,

vs.

TOWN OF DOVER,
BOARD OF REVIEW FOR THE TOWN OF DOVER and
GARDINER APPRAISAL SERVICE, LLC,

Defendants.

Case No. 14-CV-1482

Case Code: 30701

FILED

JUN 11 2015

CLERK OF CIRCUIT COURT
RACINE COUNTY

ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

The motions for summary judgment pursuant to Wis. Stat. § 802.08 and/or for judgment on the pleadings pursuant to Wis. Stat. § 802.06(3) of the defendants, Town of Dover and Board of Review for the Town of Dover, and the motion for summary judgment of the defendants, Gardiner Appraisal Service, LLC, and the motion for partial summary judgment of the plaintiffs, Vincent Milewski and Morganne MacDonald, having come on for hearing on the 6th day of May, 2015 before the Court, Walworth County Circuit Court Judge Phillip A. Koss presiding, said hearing having taken place in Elkhorn, Walworth County, Wisconsin by agreement of the parties and the Court, and the plaintiffs appearing by their attorneys, Wisconsin Institute for Law & Liberty by Attorney Thomas C. Kamenick, and the defendants, Town of Dover and Board of Review for the Town of Dover, appearing by their attorneys, Kasdorf, Lewis & Swietlik, S.C. by Michael J. Cieslewicz, and the defendants, Gardiner Appraisal Service, LLC, appearing by its attorneys, Axley Brynelson LLP by Attorney Mitchell R. Olson, and the plaintiffs also appearing

in person, and the court having considered the affidavits and briefs on file regarding the pending motions as well as the oral arguments of counsel at the hearing on May 6, 2015; and,

IT HAVING BEEN STIPULATED AND AGREED on the record at the conclusion of the hearing on May 6, 2015 that the plaintiffs would amend their Complaint with a First Amended Complaint to bring into and include in this lawsuit the plaintiffs' challenge to the taxes assessed and paid for the property tax year of 2014; and the plaintiffs having filed a First Amended Complaint and the defendants having answered said First Amended Complaint;

NOW, THEREFORE, for the reasons stated upon the record at the hearing on May 6, 2015,

IT IS ORDERED:

- 1) The motion of the plaintiffs for partial summary judgment is denied; and
- 2) The motion for summary judgment and/or judgment on the pleadings of the defendants, Town of Dover and Board of Review for the Town of Dover, is granted; and
- 3) The motion for summary judgment of the defendant, Gardiner Appraisal Service, LLC, is granted; and
- 4) Therefore, the plaintiffs' Complaint and First Amended Complaint are hereby dismissed on the merits and with prejudice, and with each party to bear its own costs.

This Order is a final Order for purposes of appeal under Wis. Stat. § 808.03(1).

Dated and entered this 11 day of June, 2015.

BY THE COURT:



Honorable Phillip A. Koss
Walworth County Circuit Court Judge

