STATE OF WISCONSIN
IN SUPREME COURT

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YASMEEN DANIEL, Individually, and as Special Administrator of the ESTATE OF ZINA DANIEL HAUGHTON,

Plaintiff-Appellant-Respondent,

TRAVELERS INDEMNITY COMPANY OF CONNECTICUT as Subrogee for Jalisco's LLC,

Intervening Plaintiff

v.

ARMSLIST, LLC, an Oklahoma Limited Liability Company, BRIAN MANCINI, and JONATHAN GIBBON,

Defendants-Respondents-Petitioners

BROC ELMORE, ABC INSURANCE CO., the fictitious name for an unknown insurance company, DEF INSURANCE CO., the fictitious name for an unknown insurance company, and ESTATE OF RADCLIFFE HAUGHTON, by his Special Administrator, Jennifer Valenti,

Defendants,

PROGRESSIVE UNIVERSAL INSURANCE COMPANY,

Intervening Defendant

APPEAL No. 2017-AP-344
Milwaukee County Case No. 15-CV-8710

BRIEF FOR *AMICI CURIAE* NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, END DOMESTIC ABUSE WISCONSIN: THE WISCONSIN COALITION AGAINST DOMESTIC VIOLENCE, LEGAL MOMENTUM, ET AL. IN SUPPORT OF RESPONDENT

(COUNSEL FOR AMICI CURIAE LISTED ON INSIDE COVER)

National Coalition Against Domestic Violence
End Domestic Abuse Wisconsin (Statewide)
Legal Momentum, the Women's Legal Defense and Education Fund
Advocates of Ozaukee (Milwaukee, Ozaukee)
Battered Women's Justice Project
Beloit Domestic Violence Survivor Center (Rock County)
Brighter Tomorrows (Monroe County)
Community Referral Agency (Barron, Burnett, Polk County)
Domestic Abuse Intervention Services (Dane County)
Family Advocates, Inc. (Grant, Iowa, Lafayette County)
Family Support Center (Chippewa County)
Futures Without Violence
Former State Representative Garey Bies (R-Sister Bay)
Harbor House (Calumet, Outagamie County)
Haven, Inc. (Lincoln County)
HELP of Door County (Door, Kewaunee County)
UMOS Latina Resource Center (Milwaukee County)
InCourage (Manitowoc County)
Milwaukee Center for Children and Youth (Milwaukee County)
National Domestic Violence Hotline
National Network to End Domestic Violence
New Beginnings APFV (Walworth County)
New Day Advocacy Center (Ashland, Bayfield County)
New Horizons (Buffalo, Crawford, Jackson, La Crosse, Monroe, Trempealeau, Vernon County)
Oakwood Haven (Lac Courte Oreilles Tribe, Sawyer County)
PAVE (Dodge County)
Sojourner Family Peace Center (Milwaukee County)
The Bridge to Hope (Dunn, Pepin County)
The Rainbow House (Marinette, Oconto County)
The Women's Community, Inc. (Marathon County)
Tri-County Council on Domestic Violence and Sexual Assault, Inc. (Forest, Oneida, Vilas County)
UNIDOS (Dane County)
Violence Intervention Project (Kewaunee County)
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STATEMENT OF INTEREST

The *Amici Curiae* include 33 organizations and a former legislator, all of whom share a common goal to prevent domestic violence, the danger of which is exacerbated by abusers' access to guns.[1]

Guns radically increase the risk that domestic violence will turn deadly. In the United States—where 20 people are physically abused *each minute* by an intimate partner[2]—an abuser's access to firearms is a key predictor of murder and indeed increases the risk that

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[1] The *Amici Curiae* comprise the following organizations, described in the Motion for Leave to File *Amici Curiae* Brief: National Coalition Against Domestic Violence, End Domestic Abuse Wisconsin, Legal Momentum, Advocates of Ozaukee, Battered Women's Justice Project, Beloit Domestic Violence Survivor Center, Brighter Tomorrows, Community Referral Agency, Domestic Abuse Intervention Services, Family Advocates, Inc., Family Support Center, Futures Without Violence, Former State Representative Garey Bies (R-Sister Bay), Harbor House, Haven, Inc., HELP of Door County, UMOS Latina Resource Center, InCourage, Milwaukee Center for Children and Youth, National Domestic Violence Hotline, National Network to End Domestic Violence, New Beginnings APFV, New Day Advocacy Center, New Horizons, Oakwood Haven, PAVE, Sojourner Family Peace Center, The Bridge to Hope, The Rainbow House, The Women's Community, Inc., Tri-County Council on Domestic Violence and Sexual Assault, Inc., UNIDOS, Violence Intervention Project, WAVE Educational Fund.

[2] Nat'l Coalition Against Domestic Violence, *National Statistics Domestic Violence Fact Sheet*, https://www.speakcdn.com/assets/2497/domestic_violence2.pdf.

abuse will escalate to homicide at least five-fold.[3] Women are most at risk: 85% of domestic abuse victims are women,[4] and at least one-third of all women murdered are killed by intimate partners.[5] The number of women murdered in domestic homicides is staggering. Between 2001 and 2012, 11,766 American women were killed by male partners (current or ex)—*nearly double the number of American troops killed in Afghanistan and Iraq in those years*.[6] Fifty-five

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[3] Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 AM. J. PUB. HEALTH 1089, 1092 (2003); *see also* Michael B. Siegel & Emily F. Rothman, *Firearm Ownership and the Murder of Women in the United States: Evidence That the State-Level Firearm Ownership Rate Is Associated with the Nonstranger Femicide Rate*, 3 VIOLENCE & GENDER 20 (2016).

[4] Alissa Scheller, *At Least a Third of All Women Murdered in the U.S. Are Killed by Male Partners*, HUFFINGTON POST (Oct. 9, 2014), http://www.huffingtonpost.com/2014/10/09/men-killing-women-domesti_n_5927140.html (citing the Violence Policy Center, the Bureau of Justice Statistics, the National Institute of Justice, and the Center for American Progress).

[5] Nat'l Coalition Against Domestic Violence, *supra* note 1.

[6] Mansur Gidfar, *Don't Believe in the War on Women? Would a Body Count Change Your Mind*, UPWORTHY (June 19, 2012), http://www.upworthy.com/dont-believe-in-the-war-on-women-would-a-body-count-change-your-mind (citing the Federal Bureau of Investigation, Domestic Violence Statistics).

percent of those women were shot to death.[7] Between 2012 and 2016 alone, on average, 600 women were shot to death each year by intimate partners.[8] In 2014, over half (63%) of the 870 women murdered by their partners or ex-partners were killed by a firearm, and 239 women were shot to death by a partner during the course of an argument.[9] Indeed, in that year, women were more likely to be killed by an intimate partner wielding a firearm than by any other means of homicide.[10]

In light of these horrific statistics, the State of Wisconsin enacted multiple laws to prohibit domestic abusers' access to firearms and to save countless innocent lives. Yet the enforceability of those

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[7] Arkadi Gerney & Chelsea Parsons, *Women Under the Gun: How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them* 1, CENTER FOR AMERICAN PROGRESS (2014), https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf (citing the Federal Bureau of Investigation, Supplemental Homicide Data (2001-2012)).

[8] *Gun Violence in America*, EVERYTOWN RESEARCH (Aug. 8, 2018), https://everytownresearch.org/wp-content/uploads/2018/08/Gun_Violence-America-REPORT-080818C.pdf.

[9] Violence Policy Ctr., *When Men Murder Women: An Analysis of 2014 Homicide Data* 3, 21 (2016), http://www.vpc.org/studies/wmmw2016.pdf.

[10] *See id.* at 21.

important state protections is now cast into doubt by defendants' efforts to use the Communications Decency Act in ways never intended. Committed to protecting victims of such violence, the *Amici Curiae* have a direct interest in the enforceability of Wisconsin law, and thus the outcome of this action. We respectfully submit this brief in support of Yasmeen Daniel ("Daniel") in this case.

PRELIMINARY STATEMENT

As alleged in Daniel's complaint, Armslist.com ("Armslist") knowingly enables dangerous people banned from purchasing guns to obtain guns anonymously on the Internet. (Compl. ¶ 9.) Armslist's operation has led to multiple murders of domestic violence victims by their abusers, including the murder-suicide in this case that killed four people and injured four others. (Compl. ¶ 7.) To avoid responsibility, Armslist seeks refuge under the "Good Samaritan" safe harbor, 47 U.S.C. § 230(c)(1), in the Communications Decency Act of 1996 (the "CDA"), 47 U.S.C. §§ 230, 560-561, which limits the liability of an "interactive computer service" ("ICS") for content posted by third parties. That Armslist could avail itself of a "Good Samaritan" safe

harbor and thus avoid the laws of the State of Wisconsin is incongruous with the allegations of the complaint and legally untenable.

The CDA's liability limitation applies narrowly to an ICS's publication of third-party content only. The CDA's safe harbor does not protect an ICS for its *own* conduct to facilitate user activity, such as the illegal gun purchase at issue in this lawsuit—a purchase that plainly violated both federal and Wisconsin state law. As the Wisconsin Court of Appeals correctly observed, the presumption against preemption requires a narrow interpretation of the CDA that allows Wisconsin to enforce its own gun laws. The CDA must not, and indeed cannot, be interpreted and applied to preclude Armslist's liability for its conduct in enabling domestic abusers and others to violate legal bans against their possession of firearms. The *Amici Curiae* therefore respectfully urge this Court to affirm the judgment of the Court of Appeals.

DISCUSSION

I. OVERTURNING THE COURT OF APPEALS' TEXTUAL INTERPRETATION OF THE CDA PUTS VICTIMS AT GREATER RISK TO BE KILLED

A. Circumventing Wisconsin Laws That Prevent Abusers From Accessing Firearms Usurps State Legislative Authority and Endangers Victims' Lives

It is critical for the State of Wisconsin to be able to enforce its fundamental state policy to protect victims of domestic violence by prohibiting domestic abusers' access to guns. Allowing Armslist to flout state law under the illusory shield of federal preemption threatens not only the basic principles of federalism, but the lives of abuse victims. Wisconsin enacted its laws in response to devastating accounts and statistics regarding domestic abusers' access to firearms, that has led to the murder of numerous victims in Wisconsin. The Azana Spa shooting at issue in this case sadly is just one of many similar deadly events that occur in Wisconsin every year. There were 45 victims of domestic violence-related homicides in 2017 and 57 in

2016.[11] Firearms are the most common means of perpetrating domestic violence homicides.[12] Indeed, domestic violence assaults involving a gun are 12 times more likely to result in death than those without a firearm.[13] Seventy percent of the domestic violence homicides in Wisconsin in 2017 resulted from gun use, and in at least 11 of those instances, the shooter was legally prohibited from possessing a firearm.[14]

Recognizing the danger of guns in the hands of abusers, Wisconsin has passed multiple laws to protect victims and their families. First, Wisconsin law prohibits possession of a firearm by individuals subject to a domestic abuse restraining order under section 813.12 of the Wisconsin Statutes. Wis. Stat. § 941.29(1m)(f). More recently, Wisconsin legislators and Governor Scott Walker reinforced the importance of preventing abusers' access to guns in the Stopping

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[11] End Domestic Abuse Wis., *Wisconsin Domestic Violence Homicide Report 2017*, at 5 (2018), http://www.endabusewi.org/FileStream.aspx?FileID=1092.

[12] *Id*. at 10.

[13] *Id*.

[14] *Id*. at 6.

Abuse Fatalities through Enforcement Act, or "SAFE Act." Passed with bipartisan support, the SAFE Act established procedures to ensure and verify that abusers surrender their firearms. Assemb. 464, 2013-14 Sess. (Wis. 2014). In light of the "heightened risk that firearms pose to domestic violence victims,"[15] the law was meant to "prevent domestic violence homicides."[16] Expressing its support for the SAFE Act, the Milwaukee Commission on Domestic Violence and Sexual Assault noted the importance of strengthening the legal procedures to ensure that abusers surrender their guns, particularly given that, from 2000-2013, "at least 53 Wisconsinites . . . lost their lives at the hands of a perpetrator who was legally prohibited from possessing a firearm."[17]

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[15] Letter from Jon Richards, Wis. State Representative, to Members, Assembly Comm. on Pub. Safety and Homeland Sec., in Support of Assembly Bill 464 (Nov. 19, 2013).

[16] Testimony of Garey Bies, Wis. State Representative, to Members, Assembly Comm. on Pub. Safety and Homeland Sec., on Assembly Bill 464 – Relinquishing Firearms in Cases Involving a Restraining Order (Nov. 19, 2013).

[17] Letter from Erin M. Perkins, Coordinator, Milwaukee Comm'n on Domestic Violence and Sexual Assault, to André Jacque, Wis. State Representative, and Members, Assembly Comm. on Pub. Safety and Homeland Sec. 1 (Nov. 18, 2013).

Wisconsin reinforced the importance of its systems to prevent guns from finding their way into the hands of abusers, including efficient background checks, with recent legislation in 2015. Under the new law, the waiting period before a purchaser can access a gun is simply however long it takes to pass a background check. This law recognizes that sustaining robust gun rights is closely linked to ensuring gun safety. It seeks to ensure that guns are accessible to those who lawfully may obtain them while at the same time inaccessible to those who may not. To achieve both of these goals, the state must be able to enforce the law against those who hamper this critical element of state policy by facilitating illegal gun sales to domestic abusers and others banned from owning guns.

B. Armslist Was Designed To Make It Easy for Abusers To Arm Themselves, With Deadly Consequences

Armslist's alleged conduct allows abusers to have easy access to firearms, which puts victims of domestic violence in lethal danger. Victims live in constant fear of their abusers getting access to a gun. Zina Haughton testified in support of her request for a restraining order that her husband's threats to her life "terrorize my every waking

moment." (Compl. ¶ 3.) Many petitioners file TROs after separating from their abuser or as a first step of separation, and are at greatest risk of increased violence or homicide at this point, making the enforcement of firearms bans for abusers especially important to their safety.[18] Moreover, Armslist's alleged negligence in the Haughton case is not an isolated incident. Under strikingly similar circumstances in 2017, Sara Schmidt was killed by her abusive husband who illegally purchased a firearm through Armslist.[19] The public rarely learns about the transaction history of firearms used in homicides, since "detailed trace information only comes out in public during high-profile cases when investigators track down a straw-purchaser or other violator and prosecutors file charges."[20] Therefore,

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[18] Joakim Petersson et al., *Risk Factors for Intimate Partner Violence: A Comparison of Antisocial and Family-Only Perpetrators*, JOURNAL OF INTERPERSONAL VIOLENCE, 1-21 (2016).

[19] Alison Dirr, *Five years apart, Armslist was source of guns in high-profile domestic violence deaths*, POST-CRESCENT (Sept. 19, 2018), https://www.postcrescent.com/story/news/crime/2018/09/19/guns-harrison-murder-suicide-azana-shooting-found-same-website/1224081002/.

[20] Ashley Luthern, *How did a gun sold in Wisconsin end up being used to kill a Chicago cop?*, MILWAUKEE JOURNAL SENTINEL (Mar. 1, 2018), https://www.jsonline.com/story/news/crime/2018/03/01/how-did-gun-sold-wisconsin-end-up-being-used-kill-chicago-cop/385027002/.

there are likely even more homicides facilitated by Armslist beyond the statistics known to the public.

Shooting victims are not the only ones who suffer when abusers illegally access guns in violation of state law. According to Sojourner Family Peace Center, a Milwaukee-based nonprofit serving domestic violence survivors, "when a highly-publicized domestic violence homicide like the Azana Spa shooting happens, our advocates hear increased reluctance from survivors about going forward in filing for restraining orders, for fear that their abuser would be able to access a firearm despite a judicial order for surrender/prohibition. Domestic violence homicides have a chilling effect on other survivors accessing lifesaving protections."[21] Additionally, according to a report by the Battered Women's Justice Project, "batterers who have access to guns may be more violent than those who do not. Researchers have found that simply having access to a firearm is associated with a batterer's use of one or more

[21] Statement from Sojourner Family Peace Center (December 7, 2018) (on file with author).

controlling behaviors versus no controlling behaviors against his partner," and that domestic violence offenders who have access to firearms commit more severe assaults than those who do not.[22] As discussed, Armslist plays a direct role in creating this chilling effect by facilitating abusers' access to firearms through designing its platform in a way that circumvents background checks. (Compl. ¶¶ 49-54.)

II. BECAUSE ARMSLIST'S CONDUCT IS AT ISSUE, THE CDA DOES NOT SHIELD IT FROM LIABILITY AND DOES NOT PREEMPT THE STATE'S ENFORCEMENT OF ITS GUN LAWS

A. The CDA Does Not Provide Safe Harbor for an ICS's Own Conduct

The CDA's "Good Samaritan" safe harbor applies narrowly to an ICS's publishing activities of third-party content: (1) Where information is provided online by an "information content provider" other than the ICS seeking safe harbor, (2) such ICS will not be treated as the "publisher" or "speaker" of that information. 47 U.S.C.

[22] April M. Zeoli, *Non-Fatal Firearm Uses in Domestic Violence*, THE BATTERED WOMEN'S JUSTICE PROJECT (2017), https://www.preventdvgunviolence.org/assets/nonfatal-gun-dv-zeoli-.pdf.

§ 230(c)(1); *see Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1100, 1105 (9th Cir. 2009) (noting that the Act does not "declare[] a general immunity from liability deriving from third-party content" and that "[i]t is the language of the statute that defines and enacts the concerns and aims of Congress; a particular concern does not rewrite the language"). However, as the Wisconsin Court of Appeals correctly found, the CDA does not protect an ICS from liability for its own conduct in facilitating user activity, which includes facilitation of illegal transactions on its website. *See Daniel v. Armslist, LLC*, 2018 WI App 32, ¶ 40, 382 Wis. 2d 241, 913 N.W.2d 211, *review granted*, 2018 WI 93, 383 Wis. 2d 627, 918 N.W.2d 642 (table decision); *see also Doe v. Internet Brands, Inc.*, 824 F.3d 846, 853 (9th Cir. 2016) (holding the safe harbor did not apply "beyond [the CDA's] narrow language and its purpose" to immunize defendant from plaintiff's failure to warn claim, which was based on defendant's own conduct, not its publication of third-party content); *City of Chicago, Ill. v. StubHub!, Inc.*, 624 F.3d 363, 366 (7th Cir. 2010) ("[47 U.S.C. § 230(c)(1)] limits who may be called the publisher of information

that appears online. That might matter to liability for defamation, obscenity, or copyright infringement. But [for] Chicago's amusement tax . . . [47 U.S.C. §] 230(c) is irrelevant.").

As one federal Court of Appeals has noted, an ICS that "helps to develop unlawful content" is not protected by the CDA "if it contributes materially to the alleged illegality of [its users'] conduct." *Fair Hous. Council of San Fernando Valley v. Roommates.com, LLC*, 521 F.3d 1157, 1168 (9th Cir. 2008); *id.* at 1164 (noting that "[t]he [CDA] was not meant to create a lawless no-man's-land on the Internet"). In *Roommates.com*, the Ninth Circuit found that the CDA did not immunize an ICS which "match[ed] people renting out spare rooms with people looking for a place to live" from liability for violating federal housing discrimination law because it "designed its website registration process around" questions and answer choices relating to users' sex, family status and sexual orientation. *Id.* at 1161, 1164. The court found that if an ICS actively designs its website in a way that facilitates its users' circumvention of the law, it materially contributes to that illegal conduct even if a user produces

the content at issue. *See id.* at 1172. In *J.S. v. Village Voice Media Holdings, L.L.C.*, minors featured in advertisements for sexual services on Backpage.com alleged that the website's operators knowingly developed posting guidelines and rules that induced child prostitution. 359 P.3d 714, 715-16 (Wash. 2015). Affirming the lower court's denial of motion to dismiss under 47 U.S.C. § 230, the Washington Supreme Court held the plaintiffs adequately alleged that Backpage's conduct went beyond publishing when it "intentionally developed its website to require information that allows and encourages . . . illegal trade to occur through its website, including the illegal trafficking of underage girls." *Id.* at 717-18 (alteration in original).

Armslist cannot escape liability through the CDA safe harbor because Daniel alleged that Armslist actively designed its website in a way that facilitates illegal gun sales to individuals who are prohibited from purchasing firearms, such as domestic abusers. (Compl. ¶¶ 49-54.) As Daniel alleges, Armslist was developed to fill a vacuum left by general marketplaces like eBay and Craigslist that stopped their

online gun sales due to the high prevalence of illegal purchases. (*See id*. ¶¶ 45-48.) Where other ICSs saw the clear risk of violating state law, Armslist saw opportunity: Armslist is a specialized online gun store that purposefully takes advantage of the anonymity that the Internet provides to facilitate unlawful gun sales. (*See id.* ¶¶ 41-42, 49.) This is evidenced by specific decisions that Armslist made, such as: (1) allowing buyers to search for "private sellers" only (thereby avoiding background checks); (2) permitting users not to register and allowing buyers to identify unregistered sellers (thereby encouraging anonymity); and (3) preventing users from flagging illegal seller advertisements. (*Id*. ¶¶ 54/P-App. 94-95.)

In the same way that Roommates.com chose to display subscribers' discriminatory preferences for their desired housing—which is not illegal in and of itself—to help its users discriminate in violation of federal law, *see Roommates.com*, 521 F.3d at 1165, Armslist displays this information in order to help users circumvent federal and state gun laws. This conduct violates Wisconsin law and clearly transcends Armslist's allegedly passive role as a platform that

merely hosts third-party content. Daniel seeks to hold Armslist liable for this purposeful promotion of unlawful gun purchases, and accordingly the CDA does not apply.

B. An Overly Broad Interpretation of the CDA Violates the Presumption Against Federal Preemption

The CDA does not immunize ICSs generally from state laws governing different fields. As the Wisconsin Court of Appeals pointed out, a preemption clause in federal law must be cast narrowly to avoid unduly impinging on state law. To identify the domain of state law expressly preempted by Congress, courts must apply a "presumption against pre-emption" unless it is contrary to the "'clear and manifest purpose of Congress,'" particularly when Congress legislates in a field traditionally occupied by states. *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 485, 494 (1996) (citation omitted); *see also Altria Grp., Inc. v. Good*, 555 U.S. 70, 76 (2008) (noting that "an express federal pre-emption clause … does not immediately end the inquiry because the question of the substance and scope of Congress'[s] displacement of state law still remains"). Accordingly, the scope of

federal preemption of state law should be construed narrowly unless Congress has expressly required otherwise.

Here, Daniel seeks to enforce Wisconsin law against Armslist for contributing to the circumvention of state laws prohibiting the sale of guns to domestic abusers. Broadly construing the CDA to preempt Daniel's state law claim contravenes the presumption against federal preemption. This interpretation of the CDA also would effectively prevent Wisconsin from enforcing the law in the context of any online gun sale conducted through virtual marketplaces like Armslist because it would permit website operators to assist users to engage in illegal sales without incurring any liability. This violates both the language and purpose of the CDA's preemption clause. *See* 47 U.S.C. § 230(e)(3).

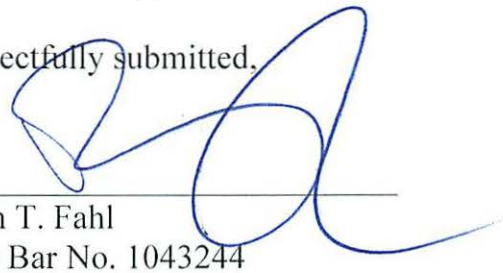
CONCLUSION

We respectfully urge the Court to affirm the judgment of the Wisconsin Court of Appeals, which correctly found that Armslist is not immune from liability for its role in the deaths of Zina Haughton and her two co-workers, the injury of four others, and Daniel's horror

of having her mother gunned down in front of her. Armslist's promotion of illicit arms transactions involving known abusers must not be immunized under the CDA simply because Armslist does business on the Internet instead of in a dark alley behind the courthouse.

Dated this 10th day of January, 2019.

Respectfully submitted,



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CERTIFICATION AS TO FORM AND LENGTH

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b) and (c), for a brief produced using proportional serif font. The length of the brief is 3,346 words.

Dated this 10th day of January, 2019.

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CERTIFICATE OF COMPLIANCE WITH WIS. STAT. § 809.19(12)

I hereby certify that I have submitted an electronic copy of this brief which complies with the requirements of Wis. Stat. §809.19(12).

I further certify that this electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated this 10th day of January, 2019.

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CERTIFICATION OF SERVICE

I hereby certify that on January 10, 2019, I filed with the Court via messenger an original and 22 copies of this brief with the Clerk of the Supreme Court, and 3 copies upon the following counsel of record for the parties via first-class postage prepaid to:

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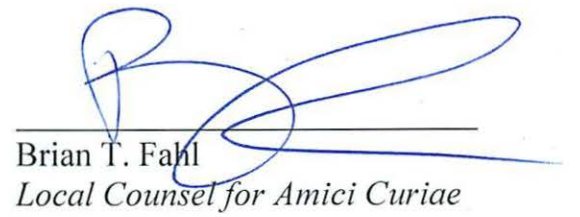

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