STATE OF WISCONSIN   **CIRCUIT COURT**   **DANE COUNTY**
BRANCH 6

STATE OF WISCONSIN ex rel.
Joshua L. Kaul,

                Plaintiff,   Case No. 21-CV-1994

  v.

FREDERICK PREHN,

                Defendant.

REQUEST FOR SUBSTITUTION OF JUDGE

Defendant Frederick Prehn, by his attorneys, Murphy Desmond S.C., hereby requests substitution of a new judge for the Honorable Nia Trammell, Circuit Court Branch 6, the Dane County Circuit Court Judge currently assigned to the case.

The defense makes this request pursuant to Wis. Stat. § 801.58(1), which permits "any party" to request "substitution of a new judge for the judge assigned to the case." To be timely, a party must request substitution "preceding the hearing of any preliminary contested matters." Id.

The Honorable Judge Trammell has not heard any "preliminary contested matters," and fewer than 60 days have elapsed since service of the complaint. Id. Therefore, the defense is entitled to substitution as a matter of right.

The Honorable Judge Trammell retains jurisdiction over this case to decide if this substitution request was "made timely and in proper form." Wis. Stat. § 801.58(2). This request is clearly timely, and form is proper. To be in proper form, a substitution request need

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only identify the case, identify the judge assigned to the case, and be signed by the party or his

attorney. § 801.58(1).

Substitution is a matter of right, provided by statute, and requires no showing of bias

or partiality. *State ex rel. Beese v. Weirsma,* 247 Wis. 2d 991, 2001 WI App 224, 635 N.W.2d

27 (Wis. Ct. App. 2001).

Because this request for substitution is timely and in proper form, the case must be

assigned to a new judge.

Dated this 1th day of September, 2021.

MURPHY DESMOND S.C.
Attorneys for Defendant

Electronically filed by:/s/ Mark P. Maciolek
Mark P. Maciolek
State Bar Number: 1054208
Jonathan M. Esp
State Bar Number: 1084693
33 East Main Street, Suite 500
P.O. Box 2038
Madison, WI 53701-2038
(608) 257-7181
jesp@murphydesmond.com