



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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March 17, 2014

To:

Hon. William D. Johnston
Lafayette County Circuit Court Judge
P.O. Box 40
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*Additional Parties listed on Pages 2 - 5

You are hereby notified that the Court has entered the following order:

Nos. 2010AP1291	<u>Nickel v. Wells Fargo Bank</u> L.C.#2010CV1576
2010AP2022	<u>Nickel v. Wells Fargo Bank</u> L.C.#2010CV1576
2010AP2835	<u>Nickel v. Depfa Bank, plc</u> L.C.#2010CV1576
2011AP561	<u>Nickel v. Depfa Bank, plc</u> L.C.#2010CV1576

The court has before it the following filings:

1. a petition for review pursuant to Wis. Stat. § 808.10 filed by Wells Fargo Bank, National Association (“Wells Fargo”) and Eaton Vance Management, Eaton Vance Municipal Income Trust, Eaton Vance Municipal Bond Fund, and Eaton Vance Municipal Bond Fund II (collectively, “Eaton Vance”);
2. a petition for review pursuant to Wis. Stat. § 808.10 filed by Deutsche Bank National Trust Company and Deutsche Bank Trust Company Americas (collectively, “Deutsche Bank”) and U.S. Bank National Association (“U.S. Bank”);

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Nickel v. Depfa Bank, plc L.C.#2010CV1576

3. a combined response by the Office of the Commissioner of Insurance and Ted Nickel, Commissioner of Insurance (“Commissioner”) to the petitions for review;
4. a combined response by the Customer Asset Protection Company (“CAPCO”) to the petitions for review;
5. a motion by the Commissioner to strike CAPCO’s combined response to the petitions for review;
6. a response by CAPCO to the Commissioner’s motion to strike CAPCO’s combined response to the petitions for review;
7. a reply by the Commissioner in support of the motion to strike CAPCO’s combined response to the petitions for review;
8. a motion by Wells Fargo and Eaton Vance to file an accompanying reply brief in support of their petition for review; and
9. a response by the Commissioner to the motion by Wells Fargo and Eaton Vance to file the reply brief in support of their petition for review.

IT IS ORDERED that the Commissioner’s motion to strike CAPCO’s combined response to the petitions for review is denied. CAPCO’s response to the petitions for review has been considered by the court;

IT IS FURTHER ORDERED that the motion by Wells Fargo and Eaton Vance to file a reply brief in their support of petition for review is granted and the accompanying reply brief is accepted for filing. The reply brief has been considered by the court; and

IT IS FURTHER ORDERED that the petitions for review are denied, with \$50 costs against each set of petitioners.

Diane M. Fremgen
Clerk of Supreme Court

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