

**FILED**  
**10-20-2020**  
**John Barrett**  
**Clerk of Circuit Court**  
**2020CV003154**

**DATE SIGNED: October 20, 2020**

Electronically signed by Honorable Jeffrey A. Conen  
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

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FAMILY DOLLAR STORES OF WISCONSIN, LLC  
and LONNIE McCAFFETY, Agent,

Plaintiffs/Petitioners,

Case No. 2020CV003154

Case Code: 30955

v.

CITY OF MILWAUKEE, a municipal corporation,  
and CITY OF MILWAUKEE COMMON COUNCIL,

Defendants/Respondents.

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### **ORDER**

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Based upon the Stipulation between Plaintiffs, Family Dollar Stores of Wisconsin, LLC and Lonnie McCaffety (collectively “Family Dollar”) and Defendants, City of Milwaukee and the City of Milwaukee Common Council (collectively “City”),

**IT IS HEREBY ORDERED:**

(1) This matter is remanded to the City with instructions to allow for a new licenses committee hearing to be held with full and complete cross examination of all testifying witnesses. At a minimum, each witness shall be subject to direct examination, cross examination, and redirect examination.

(2) Any recommendation by the licenses committee shall be brought before the common council under the procedures set forth in Milwaukee Code of Ordinances Chapter 85. A decision on remand by the common council shall be deemed a separate and distinct final decision

for purposes of certiorari review, however such decision may be added to and challenged by Family Dollar in this action if it is not satisfied by the decision so as to avoid the need for Family Dollar to commence a new certiorari action.

(3) Regardless of the outcome of the hearing and decision of the common council ordered in paragraphs 1 and 2 above, all of Family Dollar's arguments, other than the denial of cross-examination issue, shall be preserved should the parties not resolve this matter.

(4) All dates are suspended until such time as the parties advise the Court as to whether the matter has been resolved following the procedures set forth in paragraphs 1 and 2. Upon notice that the matter has not been resolved, the Court shall hold a status conference and set a schedule to amend pleadings and/or reestablish a briefing schedule.

(5) Despite the temporary remand, the injunction entered on June 16, 2020 shall remain in full force and effect until further order of this Court.