



11333 N. Cedarburg Road  
Mequon, WI 53092  
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[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

Office of the City Administrator

**PUBLIC WELFARE COMMITTEE**  
**Tuesday, June 10, 2025**  
**5:30 PM**  
**Lower Conference Room**

**Agenda**

- 1) Call to Order, Roll Call
- 2) Approval of Meeting Minutes  
**Action requested: review and approve**
  - a. May Minutes
- 3) Discussion Items  
**Action requested: discuss and take action as needed**
  - a. Community Survey Update
  - b. Community-Wide Wildlife Habitats Designation
  - c. Speed Bumps
- 4) Work Calendar
- 5) Adjourn

*Dated: June 10, 2025*

*/s/ Dale Mayr, Chair*

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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Office of the City Administrator

**PUBLIC WELFARE COMMITTEE**

**Tuesday, May 13, 2025**

**5:45 PM**

**Lower Conference Room**

**Minutes**

1) Call to Order, Roll Call

**Present:**

Chair Dale Mayr  
 Alderman Gregg Bach  
 Alderman Brian Parrish

Also Present: Assistant City Administrator Schoenemann, Alderman Gebhardt, City Attorney Sajdak, Community Development Director Tollefson, Executive Assistant Enea, and Andrzej Sitarski

2) Approval of Meeting Minutes

a. April Minutes

**RESULT:** **Approved by Voice Acclamation [Unanimous]**

**MOVED BY:** Alderman Bach

**SECONDED BY:** Alderman Parrish

<b>AYES:</b> Mayr, Bach, Parrish
----------------------------------

3) Election of Chair

Alderman Bach nominated Alderman Mayr to serve as Committee Chair and Alderman Parrish seconded. The motion was approved by Voice Acclamation.

4) Ordinances

**Action requested: review and recommend approval**

a. **ORDINANCE 2025-1681** An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Structures on the Lake Michigan Bluff

Community Development Director Tollefson presented the Committee with background information about why the modified ordinance regarding the Lake Michigan Bluff and structures was coming before them for consideration. Last August, the COTW had a discussion regarding residents wanting to build stairs to access the shoreline. Currently,

Attachment: PW 051325 Mins (10414 : May Minutes)

there is a 75-foot setback from the bluff for any structure. Staff was instructed to draft some revisions to the code that would assume the least liability. Staff consulted with numerous agencies to research best practices, including neighboring communities, the DNR, and Ozaukee County. The Committee discussed the height and width recommendations, as well as what happens if the stairs become dilapidated. The Committee asked for language to be added regarding possible dilapidation and to have the resident be held responsible for repair, replacement, or removal. Also, the Committee agreed that more room may be needed at pivot points in the stairs and adjusted the allowed square footage to 5 feet by 7 feet, not to exceed 35 square feet.

**RESULT:** **Approved with Amendments [Unanimous]**

**MOVED BY:** Alderman Parrish

**SECONDED BY:** Alderman Bach

**AYES:** Mayr, Bach, Parrish

5) Work Calendar

- 1. Certified Wildlife Habitat Status
- 2. Sister City with Dahlheim
- 3. Make-up of Committees
- 4. Neighborhood Association participation in reducing speed

6) Adjourn

Alderman Bach moved to adjourn at 6:29 PM and Alderman Mayr seconded.

Respectfully Submitted,

*Carrie Enea*  
*Executive Assistant*

Attachment: PW 051325 Mins (10414 : May Minutes)



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Office of Administration

**TO: Public Welfare Committee**  
**FROM: Carrie Enea, Executive Assistant**  
**DATE: June 10, 2025**  
**SUBJECT: Community Survey Update**

### **Background**

The Common Council awarded the 2025 Community-Wide Survey contract to ETC Institute at its September 2024 meeting with the goal of having the survey mailed to residents in May 2025. After contracting with ETC and gathering feedback from Boards, Committees, Commissions, and staff, the Public Welfare Committee worked on refining the survey instrument tool. Furthermore, the survey instrument was brought before the Common Council in March for final feedback. The Public Welfare Committee then had a special meeting on March 20 to incorporate the feedback into the survey before it was turned over to the consultants at ETC Institute for the data gathering phase of the survey process.

### **Data Collection Analysis**

Following the finalization of the survey instrument by the Common Council and Public Welfare Committee, ETC Institute completed final edits to the survey instrument and began execution of the data collection process. Due to experiences that ETC Institute has been experiencing with the U.S. Postal Service, they mailed the 2,500 paper surveys to the random statistical sample on Friday, May 9, knowing it would take a while to get to residents in Wisconsin from Kansas. The data collection process officially kicked off on Monday, May 12, with a press release from the City and the postcards were sent to all households on Thursday, May 29. During this data gathering phase, the City has focused on creating as many “public touch points” as possible to drive a good response rate. The City’s efforts thus far have included:

1. Press Release
2. News Graphic Story
3. Social Media Posts
4. Website Landing Page
5. 30 yard signs placed in the community along busy roads
6. Postcards to all Mequon households
7. Message on the City’s electronic sign
8. Messages by the Mayor & City Administrator during Council meetings
9. Weekly Bulletin articles

In total, the City sent out 2,500 surveys and 10,615 postcards. As of May 27, ETC received 380 survey responses from the paper version and the online version of the survey combined. A week later on June 3, responses jumped to 765, with 351 by mail and 414 online. ETC Institute believes the response rate to be strong, as their goal was 400, with still over three weeks to go. For comparison purposes, the 2019 Survey yielded 3,818 survey responses. The City’s historical response rates are between 40% - 52%.

**Next Steps**

The data gathering phase will continue until June 30. The final data will be reviewed by ETC Institute for analysis during the month of July and the first part of August. The City will have a final version of the report in late August. Robert Heacock of ETC Institute will present the final report to the Common Council and answer questions at the September 9 Council meeting. After which the City will make the final results readily available on the City's website for the public.



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**Office of Administration**

**TO: Public Welfare Committee**  
**FROM: Justin Schoenemann, Assistant City Administrator**  
**DATE: June 2, 2025**  
**SUBJECT: Community-Wide Wildlife Habitats Designation**

### **Background**

In March 2025, resident June Kiehnau submitted a packet of materials requesting the City consider pursuing certification as a National Wildlife Federation (NWF) Community Wildlife Habitat. Ms. Kiehnau's request and supporting documentation are included in the first attachment to this memo. For reference, the City of Mequon currently holds several environmental designations, including Bird City, Tree City, and Bee City. These designations have been made possible through partnerships with the Mequon Nature Preserve, the Buildings and Grounds Division, and City Administrator's Office.

### **Analysis**

NWF's Community Wildlife Habitat program encourages communities to promote sustainability through wildlife-friendly landscaping, the use of native plants and trees, chemical reduction, and integration of habitat-supportive practices into community planning and park development efforts. To obtain certification, a community must meet several requirements, including a minimum number of homes, schools, and public spaces designated as Certified Wildlife Habitats. These certified spaces must demonstrate sustainable practices such as the use of rain barrels, reduced water usage, removal of invasive species, planting of native flora, and elimination of pesticides. The number of required certifications is based on the community's population. Assistant City Administrator Schoenemann has contacted the NWF to determine Mequon's specific certification thresholds but has not yet received a response as of this memo.

In addition to habitat creation, communities must earn points through outreach and educational activities. These initiatives may include hosting community events, conducting workshops, launching native plant sales, leading stream cleanups, establishing three to five year goals, and partnering with additional local organizations. A complete overview of the certification criteria is included in the attached NWF summary document.

It is also worth noting that individual property owners and organizations may independently pursue Wildlife Habitat Certification through the NWF. This involves completing a brief application and submitting a \$25 fee. This option is available regardless of whether the City pursues formal certification.

### **Fiscal Impact**

Achieving and maintaining the Community Wildlife Habitat designation would require ongoing city staff involvement to engage residents, homeowners' associations, and schools in implementing and managing habitat-friendly practices on private and city-owned properties.

Additionally, there would likely be a need to allocate funds within the City's operating budget to support these initiatives. The overall fiscal impact would vary depending on the level and scope of projects undertaken to meet the NWF's requirements.

**Recommendation**

Staff recommends the Public Welfare Committee review and discuss the merits of pursuing the Community Wildlife Habitat designation and provide direction on whether this is an initiative the Committee would like City staff to explore further.

Attachments:

Resident Request Documents (PDF)

NWF Community Wildlife Habitat Certification Requirements (PDF)

March 10, 2025

TO: William Jones, City of Mequon Administrator

FROM: June Kiehnau 4425 W. Laverna Avenue Mequon Tele 262 242 5206

Dear Mr. Jones,

Attached is the 2/28/24 article about our neighbors, Wauwatosa, Elm Grove and Brookfield, becoming community-wide "**Certified Wildlife Habitats**". Mequon has long been "Tree City" and "Bird City" so adding "Wildlife Habitat" to the package is natural. The City Parks Dept. recently was awarded a Gold Leaf award for "Outstanding Arbor Day Activities". Mequon Nature Preserve's 500 acres is an outstanding tribute to investing and protecting the environment.

Seeing Mequon's Arbor Day Celebration is coming up in April at River Barn Park, what better time to market this idea and get enough neighbors and local groups to support it.

Within Mequon's 47 square miles there are many environmentally conscious people who are already well prepared to have their property designated and recognized with a supportive sign to display.

For \$50 I joined "National Wildlife Federation" a year ago. I have ½ acre in the middle of Mequon (Community Terrace Subdivision) where I've lived for over 40 years. You're welcome to take a look at my yard packed with native Wisconsin plants and see my colorful metal sign posted on a tree by the road. (sample enclosed).

The National Wildlife Federation is America's largest conservation organization. (nwf.org) Media contact: Cait Fallon, phone 303 441 5167. Member Services 800 822 9919 EST 9am-7pm

Please consider adopting this program that would continue to create a well-rounded environmental footprint for the City.

Sincerely,



# These suburbs are trying to obtain community wildlife certifications

2/28/24

**Bridget Fogarty**

Milwaukee Journal Sentinel

USA TODAY NETWORK - WISCONSIN

A small sign poking out of the ground on Cornelia Beilke's front yard in Wauwatosa signals that her garden isn't just a pretty sight, but a welcome haven for local wildlife.

The sign reads "Certified Wildlife Habitat" and is from the National Wildlife Federation. Similar signs sit in hundreds of thousands of properties nationwide that Beilke's are recognized by the conservation organization for providing pollinators and other wildlife pesticide-free environments with food, water, cover for shelter and places to raise young.

Beilke, a music teacher, certified her property in 2011. It wasn't until last year when she met Nico Sternitzky, a Wauwatosa resident, that she learned entire towns and cities can be recognized as wildlife habitats by the National Wildlife Federation.

Sternitzky helped Elm Grove become the first place in Wisconsin and 150th in the country to earn the "Community Wildlife Habitat" certificate last year by going door-to-door and certifying more than 120 homes, businesses and schools as wildlife-friendly spaces.

Once Elm Grove earned the certificate, Sternitzky and other volunteers on the village's Beautification Committee started a tag, you're-it initiative to nudge people in neighboring municipalities like Beilke's to certify their own communities.

Now, residents in Wauwatosa and Brookfield are organizing to get enough neighbors and local groups commit to planting native species and earn their municipalities the community-wide certification of being a welcoming habitat for insects and other wildlife.

## How can a yard or garden become a Certified Wildlife Habitat?

The National Wildlife Federation pro-

vides a checklist of elements that are required for a property to be certified. Beilke thinks many Wauwatosa properties won't have to make major changes to qualify — she's seen neighbors leaving the trend of monotonous grassy yards behind and planting more wildflowers.

"What encouraged me is how many people already have all those elements and all they have to do is get certified," Beilke said.

Here's a list of the elements a property must have to become Certified Wildlife Habitat:

- A minimum of three types of food including native plants, berries or seeds, pollen, a bird feeder, foliage or twigs
- One source of water for wildlife to drink and bathe in, which could be a bird bath, rain garden, a seasonal pool or natural water sources like rivers and lakes that are near but not on a property
- At least two places to find shelter, like a rock pile, dense shrubs, brush, or a log pile

• At least two places to raise young, which could include host plants for caterpillars, mature trees, fallen leaf debris, or dense shrubs

• Use at least two sustainable practices like the elimination of chemical pesticides or fertilizers, composting soil and water conservation tactics, reducing lawn areas and using native plants

Once a resident walks through the checklist, they can certify their property on the [Certified Wildlife Habitat website](#). There's a \$20 application processing fee and cost to purchase a sign, and both costs go to the National Wildlife Federation's programs.

## How can places like Brookfield and Wauwatosa become 'Certified Wildlife Habitat' communities?

It takes a lot of talking to neighbors to turn a community into a National Wildlife

See **WILD LIFE**, Page 6

# Wildlife

Continued from Page 2

## Federation-certified Community Wildlife Habitat

A resident first must register their municipality for the program and pay the National Wildlife Federation a \$90 fee. Then the registered community is assigned a number of points. If needed to reach based on its population.

Groups gain their municipality points for certifying properties as wildlife habitats, holding educational events and providing resources like native plant lists.

Elm Grove received its 150 points by certifying over 20 homes, businesses and schools as wildlife-friendly spaces, according to Sternitzky. A volunteer team educated residents by offering free site visits to Elm Grove businesses and homes.

"Our team would go to someone's house with a checklist from the National Wildlife Federation, and go over what does this mean? What do I need to do? What can I do differently?" Sternitzky said.

From there, they would write up recommendations of steps the resident could take to certify their property.



## A Monarch butterfly lands on a purple coneflower in master gardener Tom Hickey's garden on July 22.

BY ANNY FERNANDEZ/MILWAUKEE JOURNAL SENTINEL

"It really taught me that a lot of people aren't not doing things because they don't care. It's just because they don't potentially know."

## Wauwatosa needs to earn 250 points to gain certification

Beilke said Wauwatosa needs to earn 250 points and her team's game plan has been to spread the word at local events in a local newsletter and by simply telling neighbors about the effort.

See WILDLIFE, Page 7

inventors in the culinary

field Page 10 SUBMITTED

# Wildlife

Continued from Page 6

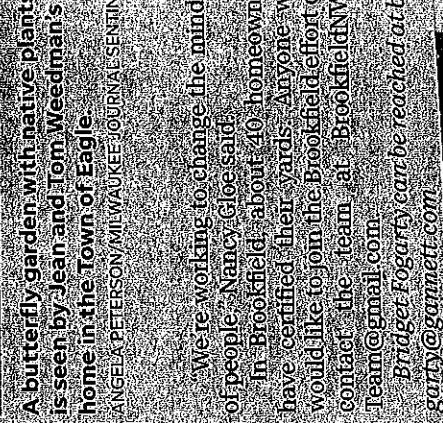
"I'm at this point where anybody I talk to it's like, 'Oh, is your garden certified?' Beilke said with a laugh.

Some parks and public spaces in Wauwatosa already qualify as certified wildlife habitats, and it will just be a matter of educating people about the certification program, said Frankie Gan, a Wauwatosa resident involved in the community's efforts.

She plans to write a proclamation for the mayor and city officials to sign off on.

## Brookfield residents focus wildlife habitat certification initiative on native plant education

Residents in the City of Brookfield have also gotten their city involved in the effort. Deanna Wargowski said she and others involved in Brookfield's effort will work with the Department of Public Works to certify the city's parks. She and Nancy Gloe are working with other volunteers to help educate neighbors about removing invasive species in their backyards and including native plants.



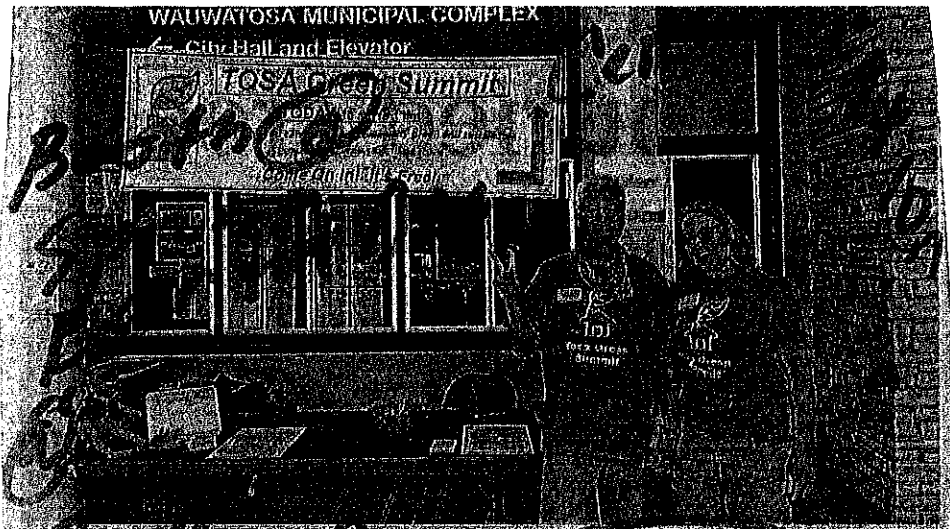
## A butterfly garden with native plants is seen by Jean and Tom Weedman's home in the Town of Eagle

ANGELA PETERSON/MILWAUKEE JOURNAL SENTINEL

"We're working to change the mind of people," Nancy Gloe said.

In Brookfield, about 20 homeowners have certified their yards. Anyone would like to join the Brookfield effort contact the team at BrookfieldNYTeam@gmail.com.

Bridget Fogarty can be reached at bfogarty@gannett.com.



More than a decade after it started, the Tosa Green Summit spans over two weekends and is a touchstone for sustainability in the Wauwatosa community.

## Summit

Continued from Page 2

er in a 2008 mayoral campaign, according to Roznowski. Although the results did not pan out in the group's favor, the members enjoyed working together and wanted to continue working toward a lasting impact on their community.

Together, they started the Tosa Green Summit, which held its first event on April 29, 2009.

### Working to help Wauwatosa gain wildlife habitat community certification

Now, the Tosa Green Summit is working with the local Green Neighbor non-profit group toward being able to register the City of Wauwatosa as a wildlife habitat community certification from

the National Wildlife Federation.

The City of Wauwatosa needs a total of 250 single-home private properties registered for the National Wildlife Federation's wildlife habitat community certification. Currently, there are 103 homes registered, according to Green Neighbor member Cornelia Beilke.

"We have all of the administrative points already reached," said Beilke. "It's really down to getting properties registered... We have a lot of gardens in Wauwatosa that already meet all the requirements."

Beilke spent the morning of Aug. 22 going door-to-door to ask people if they are registered for the NWF wildlife habitat certification and letting them know the possibility of doing so.

On Sept. 14, there will be a table to find out the requirements to qualify for a certification or register as an NWF-certified property, if those prerequisites are already met.

CERTIFIED  
**WILDLIFE  
HABITAT**



BECAUSE OF THE OWNER'S CONSCIENTIOUS PLANNING, LANDSCAPING  
AND SUSTAINABLE GARDENING, WILDLIFE WILL FIND QUALITY HABITAT  
HERE—FOOD, WATER, COVER, AND PLACES TO RAISE THEIR YOUNG.

PROPERTY NAME

Heal The Earth

NO. 299,929

*in the National Wildlife Federation's  
network of habitats*



COLLIN O'MARA  
PRESIDENT & CEO

UNITING ALL AMERICANS TO ENSURE WILDLIFE THRIVE IN A RAPIDLY CHANGING WORLD

Attachment: Resident Request Documents (10420 : Certified Wildlife Habitats Designation)

# National Wildlife Federation’s Community Wildlife Habitat Certification Requirements



To achieve certification through the National Wildlife Federation’s Community Wildlife Habitat program, you must create or restore wildlife habitat in your community and do education and outreach.

First, a certain number of homes, schools and common areas must **become National Wildlife Federation Certified Wildlife Habitats** by providing the four basic elements that all wildlife need: food, water, cover and places to raise young. The NWF Certified Wildlife Habitat program also requires sustainable gardening practices such as using rain barrels, reducing water usage, removing invasive plants, using native plants and eliminating pesticides. These requirements are based on population – see chart below.

Second, communities **earn education and outreach points** through a flexible checklist that includes educating citizens at community events, hosting a native plant sale, organizing a stream clean up, bringing new partners to the effort and hosting workshops – see pages 2 and 3.

## Property Certification Requirements:

Activity / Type of Certification	Points
For each <i>home</i> certified, including townhomes and apartments	1
For each <i>common area</i> certified, including public parks, HOA common areas, businesses, places of worship, farms, universities and municipal buildings	3
For each <i>school</i> certified as an NWF Schoolyard Habitat - Pre-K - 12 or nature center	5

**VERIFICATION:** Homes that were certified more than 15 years prior to a community's registration date must be verified. Schools certified more than 5 years prior to a community's registration date must be verified.

Minimum Habitat Certification Points	Sliding Scale Based on Population Size
20	500 or Less
40	501-1,000
100	1,001-5,000
150	5,001-10,000
175	10,001-15,000
200	15,001-20,000
225	20,001-25,000
250	25,001-50,000
300	50,001-100,000
400	100,001-300,000
500	300,001-500,000
750	500,001-1,000,000
1000	1,000,001 or More

## Education and Outreach Requirements:

Registration Goals – 40 Points Required	
Activity	Points
Name your NWF Community Wildlife Habitat project	5
Identify your Team Leader & Habitat Team Members (typically 3-7 total)	5
Set up system for tracking progress (journal, google doc, etc.)	5
Establish project goals & vision for one, three and five years with a budget	5
Submit your community summary for the NWF website	5
Complete the Community Assessment Form, which can be found in the Resource Center	5
Watch the recorded version of the NWF Welcome Webinar for New Communities, which can be found in the Resource Center	5
Create plan for keeping all Habitat Team Members in regular communication	5
One member of your Habitat Team completes a Master Naturalist, Master Gardener or similar training (up to 5)	5
Send out a press release about your community registration. A press release template can be found in the Resource Center	5
Hold a call with NWF's state affiliate in you state if they are active in this program (NWF can facilitate)	5
Meet, call or otherwise connect with another Community Wildlife Habitat in your area (NWF can facilitate)	5
Obtain letter of support from community government officials (mayor, county commission, HOA president)	10
Pass a proclamation announcing your community's registration at your city council meeting	10
Plan & organize a kick-off celebration	10

Outreach Goals – 50 Points Required	
Activity	Points
Improve your community's weed ordinances or other public policies to make them more wildlife-friendly	10
Work with municipal or other local park agencies to convert parkland to wildlife-friendly landscapes	10
Provide Garden for Wildlife information at a booth or table at a community event (up to 3 events)	5
Coordinate a stream cleanup, tree planting, invasive species removal, native plant rescue, native plant sale, trail clean-up, family nature event or other restoration event (up to 10 events)	10
Work with local nurseries to label and/or provide native plants	10
Each Habitat Team Member that serves on a community board or council related to environmental issues (up to 3)	5
Each presentation to an organization not yet associated with your project (up to 5)	5
Other Community Project (please discuss with NWF staff)	TBD

<b>Education Goals – 40 Points Required</b>	
<b>Activity</b>	<b>Points</b>
Create an information kiosk or permanent display at a public place (rec center, library, school) where the community can learn about the project (up to 3 kiosks / displays)	10
Create an NWF Certified Wildlife Habitat project brochure or fact sheet specific to your community	5
Create a website or web page where community members can learn about your project	10
Create and maintain a Facebook page or group or other social media site for your project	10
Write a regular column in your community newsletter or newspaper paper to about your project	10
Secure a feature article in the local media about your project (up to 3 feature articles)	10
Secure a radio or TV interview or PSA on your project	10
Host a workshop to educate community members about wildlife gardening (up to 5 workshops)	5
Create & distribute a native plant list for your community	5
Hold a garden tour that features certified habitats (up to 3 garden tours)	10
Create a demonstration garden at a public site with educational signs (up to 3 demonstration sites)	10
Launch a campaign to educate the community about an iconic plant or animal species for your community (i.e. - Baltimore's focus on the Oriole)	10
Recruit another community to register as an NWF Community Wildlife Habitat (up to 3)	5
Other Education Project (please discuss with NWF staff)	TBD

<b>Administration Goals – 20 Points Required</b>	
<b>Activity</b>	<b>Points</b>
Identify the individuals that will make up the post-certification Habitat Team (typically 3-7 people)	5
Donate 5 wildlife, garden or other project-related photos to NWF	5
Per new volunteer affiliated with your project. These volunteers are different from the members of your habitat team (up to 10)	3
Per partner organization affiliated with your project (up to 5)	5
Each grant application submitted to support project (up to 3)	10
Participate in an NWF Community Wildlife Habitat network-wide call. These calls occur on a quarterly basis. Meeting agendas and Zoom links will be emailed to you a week before the scheduled call date (up to 4)	5





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**Office of Administration**

**TO: Public Welfare Committee**  
**FROM: Justin Schoenemann, Assistant City Administrator**  
**DATE: June 5, 2025**  
**SUBJECT: Speed Bumps**

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**Background**

Chairman Mayr has requested that the Public Welfare Committee begin a discussion regarding the use of speed bumps within the City of Mequon. Speed bumps are raised structures installed on roadways as a traffic calming measure designed to slow vehicular speeds by creating a physical deterrent to fast driving. These features utilize tools for controlling traffic speed and can be constructed from a variety of materials, including asphalt, concrete, rubber, or metal. Members of the Police Department and/or the Public Works Department will be in attendance to assist the Committee as needed.



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**Office of Administration**

**TO: Public Welfare Committee**  
**FROM: Justin Schoenemann, Assistant City Administrator**  
**DATE: June 2, 2025**  
**SUBJECT: Work Calendar**

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### **Meeting Topics**

#### **May**

- Committee Chair Selection
- Structure Definition/Board of Appeals Case (Continued)

#### **June**

- Certified Wildlife Habitats
- Community Survey Update
- Speed Bumps

#### **July**

- Community Survey Preliminary Data Review

### **Future Agenda Topics**

- Sister City with Dahlheim
- Boards, Commissions, and Committees
- Neighborhood Association Participation in Speed Reduction
- Chapter II, Article IV Review (Continued)
- Logo Redesign/Branding

### **2025 Completed Items**

- Polling Site Locations
- Bird and Bee City Designations
- Structure Definition/Board of Appeals Case
- Protest Petition Ordinance Amendment
- Board of Appeals Ordinance Amendment
- Showroom Sales Facilities Ordinance Amendment
- Live Meeting Broadcast Pause Resolution
- Committee Chair Selection
- Structure Definition/Board of Appeals Case