

FAUST RECOGNIZED IN M&A POWER LIST

Corporate attorney Pete Faust has been recognized in Wisconsin Law Journal's M&A Power List, a list "comprised of attorneys hand-picked as power players in the M&A space."

Faust, the President and Managing Shareholder of O'Neil Cannon, has closed hundreds of successful mergers, acquisitions and financing deals. He advises buyers, sellers, lenders and investors on a full range of business law matters, from entity formation and securities issues to corporate governance and exit strategies. Faust's clients, ranging from entrepreneurs to established institutions, rely on his practical approach and extensive transactional experience.



O'NEIL CANNON WINS WISCONSIN SUPREME COURT CASE

Wisconsin Supreme Court Case

O'Neil Cannon recently secured a victory before the Wisconsin Supreme Court. On January 22, 2025, the court ruled in favor of O'Neil Cannon's client in *Morway v. Morway*. This case underscores the importance of understanding the finality of court orders and the associated timelines for filing appeals.

Case Background

David and Karen Morway finalized their divorce on March 25, 2019, in Ozaukee County, Wisconsin. As part of the divorce decree, David was obligated to pay monthly spousal maintenance to Karen. In May 2022, anticipating the expiration of his employment contract with the Utah Jazz, David filed a motion to modify or terminate his spousal maintenance obligations, citing a substantial change in his financial circumstances. The family court commissioner initially reduced David's maintenance payments, but Karen appealed this

decision. Following a three-day trial, the circuit court issued an oral decision on April 19, 2023, denying David's motion. This decision was formalized in a written order on May 24, 2023.

Procedural Posture

On September 1, 2023, David sought to appeal the circuit court's May 24 order, along with two other subsequent orders dated June 27 and August 28. However, the court of appeals dismissed his appeal as untimely, determining that the May 24 order was final for purposes of appeal under Wisconsin Statute § 808.03(1), despite the entry of the subsequent orders. According to this statute, a party has 90 days to file a notice of appeal from a final order. David's notice of appeal as to the May 24 order was filed beyond this 90-day window, leading to the dismissal.

Supreme Court's Analysis

The central issue before the Wisconsin Supreme Court was whether the May 24 order constituted a "final order" under § 808.03(1). David contended that the order was not final because it lacked explicit finality language and did not dispose of all matters in litigation. He also argued that the order's finality was ambiguous, suggesting that it should be liberally construed to preserve his right to appeal.

The Wisconsin Supreme Court disagreed with David's arguments. The court emphasized that an order is considered final if it disposes of the entire matter in litigation as to one or more of the parties. In this case, the May 24 order explicitly denied David's motion to modify or terminate maintenance, thereby resolving the substantive issue before the court. The absence of explicit finality language did not render the order ambiguous, nor did it affect its finality. Consequently, the Wisconsin Supreme Court held that the order was final and that David's appeal was untimely.

Implications

The *Morway v. Morway* decision serves as a crucial reminder for litigants and attorneys regarding the importance of understanding when a court order is deemed final. Even in the absence of explicit finality language, or incorrect language, an order that resolves all substantive issues is considered final for purposes of appeal. Failing to recognize this can result in missed deadlines and the forfeiture of the right to appeal.

In conclusion, *Morway v. Morway* reinforces the principle that the finality of a court order hinges on whether it disposes of all substantive matters in litigation. Litigants must remain vigilant in recognizing such finality to protect their appellate rights.

Greg Lyons argued the case before the Wisconsin Supreme Court. In addition to Lyons, the briefs were submitted by Jean Ansay and Ryan Riebe.

ATTORNEYS CHRISTINA RUUD AND CATE HEEREY HAVE JOINED O'NEIL CANNON

Attorneys Christina Ruud and Cate Heerey, both experienced Milwaukee attorneys, have joined O'Neil Cannon.

Ruud is a member of the firm's Business and Real Estate Groups. She concentrates her practice in commercial real estate with an emphasis on all aspects of acquisition and disposition transactions, real estate development and financing, and complex commercial leasing. Ruud also regularly represents owners of large real estate portfolios in all facets of asset management and provides contract drafting services to real estate brokerage firms.

Heerey is a member of the firm's Business Law Practice Group. Her primary focus is mergers and acquisitions, representing clients in the lower end of the middle market. Heerey specializes in drafting, reviewing, and negotiating a variety of contracts, including, purchase agreements, supply and distributions agreements, master service agreements and terms and conditions.

We are pleased to welcome Ruud and Heerey to the firm.

O'Neil Cannon, founded in Milwaukee in 1973, is a full-service law firm that focuses on meeting the many needs of businesses and their owners. Our experienced attorneys work with businesses and their owners at all stages of the business life cycle, helping them start, grow, and transition their businesses. We also assist business owners with their personal legal needs, including tax and estate planning and family law. For more information about the services we provide, please visit our [website](#).

THE WILAW QUARTERLY NEWSLETTER

Newsletter Article Highlights:

- What to Expect for Tax Policy in 2025 After Trump's Election Victory

- Judge Blocks DOL Increase to Salary Thresholds for Exempt Workers

Firm News:

- Founder Dino Antonopoulos of Antonopoulos Legal Group Joins O’Neil Cannon
- Super Lawyers Recognizes 30 O’Neil Cannon Attorneys
- O’Neil Cannon Ranked in 2025 “Best Law Firms”

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ATTORNEY BRADY DETTMANN HAS JOINED O’NEIL CANNON

Attorney *Brady Dettmann* graduate of Marquette University Law School, has joined O’Neil Cannon’s Business Law Practice Group.

Dettmann has experience in mergers and acquisitions, corporate and partnership taxation, non-profit organizations, and general corporate matters. While in law school, Dettmann worked as a judicial intern for Justice Hagedorn of the Wisconsin Supreme Court. Dettmann also worked as a legal intern for the U.S. Department of Veterans Affairs, Office of General Council.

Hamilton’s experience extends to clients across various industries, ranging from mergers and acquisitions and business corporate transactions to intellectual property matters, including licensing agreements, sports/esports affairs, and content creation. During law school, Hamilton held legal internships focused on esports transactional practices and served as a mediator through the Marquette Mediation Clinic.

We are pleased to welcome Dettmann and Hamilton to the firm.

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SEASON OF GIVING

In the spirit of the holiday season, the attorneys and staff at O'Neil Cannon once again held a holiday donation drive. This year, the firm collected items and monetary donations for **Milwaukee Habitat for Humanity**. Habitat for Humanity is a global nonprofit housing organization working in local communities across all 50 states in the U.S. and in approximately 70 countries. Milwaukee Habitat for Humanity works toward a world where everyone has a decent place to live, helping families become first-time homebuyers and making critical home repairs affordable for existing homeowners. Since its founding in 1984, Milwaukee Habitat for Humanity has helped nearly 1,500 local families build or repair their home.

LAING WINS INAUGURAL FIRM POOL TOURNAMENT

Making good use of the recent office renovations at O'Neil Cannon, the firm organized a pool tournament for its employees to break in the pool table in the new café on our upper floor. All 28 participants fought through group play, with the top 14 moving on to a single-elimination round.

Litigation attorney Dean Laing emerged as the champion, beating corporate attorney Pete Faust two out of three games in the tournament final.

While we are all better lawyers and legal professionals than we are pool players, we still enjoy a chance to flex different muscles and mingle with our colleagues with some friendly competition. Laughter, cheers, and good-natured banter brightened the café and the halls as the tournament progressed.

The whole firm was invited to watch Laing, the past president of the firm, edge Faust, the current president of the firm, for the coveted title of inaugural champion.



FOUNDER DINO ANTONOPOULOS OF ANTONOPOULOS LEGAL GROUP JOINS O'NEIL CANNON

O'Neil Cannon is pleased to announce that [Dino Antonopoulos](#), founder of Antonopoulos Legal Group, is bringing ALG's successful practice to O'Neil Cannon. Antonopoulos, a highly respected attorney known for his client-centered approach and dedication, will be a great addition to O'Neil Cannon's Business and Real Estate Practice Groups.

With almost 20 years in the legal profession, Antonopoulos has built a strong reputation as a corporate and real estate transactional attorney with excellent communication skills, strong client advocacy, and a track record of favorable results. He began his legal career representing closely held businesses and financial institutions in complex commercial litigation and handling high-stakes jury trials involving seven-figure disputes. This foundation in litigation has enriched Antonopoulos's transactional work, particularly in business, real estate, and finance transactions.

At O'Neil Cannon, Antonopoulos will continue representing financial institutions and closely held businesses across a wide range of industries, including manufacturing, distribution, retail, construction, and real estate. In his role as outside general counsel, he provides in-depth advisory and consulting services, offering strategic and practical solutions tailored to each client's unique challenges. Antonopoulos is committed to upholding the same client-first values he established at ALG and looks forward to collaborating with O'Neil Cannon's team.

IRS INVALIDATES DISCOUNTS USED IN AN FLP FORMED SHORTLY BEFORE DEATH

The recent Tax Court case *Estate of Anne Milner Fields v. Commissioner* underscores the risks involved when transferring assets to a family limited partnership or family limited liability company close to death. Approximately a month before Anne Milner Fields died, her great-nephew and agent under her durable power of attorney transferred \$17 million of assets to an FLP with himself as the general partner. After her death, Anne's estate discounted the FLP value on her estate tax return for lack of control and lack of marketability. The IRS argued that the full asset value should be included in her estate due to retained control and economic benefits. The court agreed, citing Internal Revenue Code § 2036(a), which mandates that transferred assets remain in an estate's gross value if the decedent retains economic benefits or control.

The court rejected claims that the partnership had non-tax motivations, finding insufficient evidence that it was set up for asset management or protection from elder abuse. Additionally, the estate was penalized under § 6662(a) for underreporting its tax liability.

This ruling serves as a reminder that FLPs and LLCs must have legitimate, documented purposes beyond tax reduction to avoid § 2036 inclusion. Furthermore, if the decedent retains control or benefits from transferred assets, their full value may still count in estate tax calculations.

SUPER LAWYERS RECOGNIZES 30 O'NEIL CANNON ATTORNEYS

Each year, *Super Lawyers* surveys the State of Wisconsin's 15,000 attorneys and judges, seeking the State's top attorneys. Recently, *Super Lawyers* published its lists for 2024, which include the Top 10 Attorneys in Wisconsin, Top 50 Attorneys in Wisconsin, Top 25 Attorneys in Milwaukee, Super Lawyers (consisting of the top 5% of attorneys in Wisconsin), and Rising Stars (consisting of attorneys who are 40 years old or younger or who have been in practice for 10 years or less).

Thirty of our attorneys were recognized by *Super Lawyers*, which has referred to the firm as "the Milwaukee mid-sized powerhouse." Those attorneys are the following:

- Emily Behn:

- Rising Star
- Nick Chmurski:
 - Rising Star
- Doug Dehler:
 - Super Lawyer
- Jim DeJong:
 - Super Lawyer
- Seth Dizard:
 - Top 50 Attorneys in Wisconsin
 - Top 25 Attorneys in Milwaukee
 - Super Lawyer
- Pete Faust:
 - Top 50 Attorneys in Wisconsin
 - Top 25 Attorneys in Milwaukee
 - Super Lawyer
- John Gehringer:
 - Super Lawyer
- Joseph Gumina:
 - Super Lawyer
- Jessica Haskell:
 - Rising Star
- Mike Kennedy:
 - Rising Star
- Grant Killoran:
 - Super Lawyer
- Dean Laing:
 - Top 10 Attorneys in Wisconsin
 - Top 50 Attorneys in Wisconsin
 - Top 25 Attorneys in Milwaukee
 - Super Lawyer
- Trevor Lippman:
 - Rising Star
- Greg Lyons:
 - Super Lawyer
- Patrick McBride:
 - Super Lawyer
- Jason Meehan:
 - Rising Star
- Britany Morrison:
 - Rising Star
- Joe Newbold:
 - Super Lawyer
- Erica Reib:
 - Rising Star
- Chad Richter:
 - Super Lawyer
- Ryan Riebe:

- Rising Star
- John Schreiber:
 - Super Lawyer
- Jason Scoby:
 - Super Lawyer
- Steve Slawinski:
 - Super Lawyer
- Kelly Spott:
 - Rising Star
- Christa Wittenberg:
 - Rising Star

Super Lawyers is a national rating service that rates attorneys in all 50 states. The selection process utilized by *Super Lawyers* is multi-phased and includes independent research, peer nominations, and peer evaluations. One court recently had this to say about *Super Lawyers*:

“[T]he selection procedures employed by [*Super Lawyers*] are very sophisticated, comprehensive, and complex. It is abundantly clear . . . that [*Super Lawyers* does] not permit a lawyer to buy one’s way onto the list, nor is there any requirement for the purchase of any product for inclusion in the lists or any quid pro quo of any kind or nature associated with the evaluation and listing of an attorney or in the subsequent advertising of one’s inclusion in the lists.”

We are proud to be one of the few firms in Wisconsin that had more than 50% of its attorneys receive recognition by *Super Lawyers*.