

COURT OF APPEALS

DISTRICT I

Pearl Garcia,

Petitioner,

v.

Petition for Writ of Prohibition

Circuit Court of Milwaukee County,
the Honorable John DiMotto, Presiding,
and Manuel Garcia, Jr.,

Respondents.

COMES NOW Pearl Garcia, the Petitioner, and requests of this Court that, if this Court declines to grant her Petition for Appeal by Permission filed simultaneously with this petition, a Writ of Prohibition be directed to the Circuit Court for Milwaukee County, Honorable John DiMotto, presiding, and Manuel Garcia, Jr., respondent herein and petitioner in *Manuel Garcia, Jr. v. Pearl Garcia*, Case No. 2005 FA 003434, commanding them to refrain from any further proceedings in that action until the day fixed by this Court, when further order will be issued in the matter; and further,

why they should not be absolutely restrained from any further proceedings in that action until petitioner Pearl Garcia is provided an attorney by the Circuit Court to represent her in that action.

If the related Petition for Appeal by Permission is denied, then there will be no adequate remedy by appeal, as any relief by appeal will come too late for effective redress and grave hardship, to wit, petitioner's being forced to go through a divorce action without the assistance of counsel, yet opposed by counsel, will result if this writ is not issued. See *State ex rel. LaFollette v. Circuit Court for Brown County*, 37 Wis. 2d 329, 155 N.W. 2d 141. The Court of Appeals has jurisdiction to issue a Writ of Prohibition to correct a lower court error where appeal would be inadequate. See *In Interest of Tiffany W.*, 192 Wis. 2d 407, 532 N.W. 2d 135, 143 (Wis. App. 1995).

The affidavit of the petitioner's counsel is attached as "Exhibit A."

June 29, 2005

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