von Briesen & Roper, s.c. | Attorneys at Law



Thomas S. Hornig

Attorney

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Tom Hornig deals with takings in all forms including actual takes, regulatory takes and also property tax assessment issues of all kinds. His work in outdoor advertising includes all issues involving on- and off-premises signs. He recently handled cases that made new law on several aspects of takings, outdoor advertising and property taxation in the appellate courts, including the Wisconsin Supreme Court.

Tom speaks nationally on outdoor advertising legal issues and represents the Outdoor Advertising Association of Wisconsin and the Wisconsin Sign Association. He authored a section of a published sign symposium treatise on outdoor advertising and has written for *Wisconsin Lawyer* magazine.

Tom has dedicated his time to many community organizations. He served as Chair of the Board of Trustees for First United Methodist Church in downtown Madison and plays bass trombone in the Blessed Brass. He is past President of the Janesville Kiwanis Club and is a member of the Madison Downtown Kiwanis Club; led the Brass Choir and Handbell Choir at Cargill United Methodist Church, and is a past Foundation President there. For over 20 years he was a director of the Cedar Crest Retirement Complex and served two terms as President of the Board. He is a past director of Forward Foundation, Inc. and Forward Janesville.

Areas of Practice

- Eminent Domain and Condemnation
- Outdoor Advertising Law
- Land Use, Development and Zoning
- Appellate
- Property Tax Assessment
- Government Law
- Real Estate Litigation
- Real Estate

Education

- University of Wisconsin, J.D., *Order of the Coif*
- University of Wisconsin, B.B.A., *Beta Gamma Sigma, Phi Alpha Phi, Drum Major Marching Band*

Bar Admissions

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin
- U.S. Court of Appeals, 7th Circuit
- U.S. Supreme Court

Representative Matters

- *Lamar Central Outdoor, LLC v. Town of Greenville*, Appeal No. 2019AP000922 - Review of Board of Appeals denial of off-premise billboard permit application.
- *Lamar Central Outdoor, LLC v. Town of Buchanan*, Appeal No. 2019AP000569 - Whether motion for reconsideration was appealable (as “new”); marking of final orders as final.
- *Lamar Central Outdoor, LLC v. Division of Hearings & Appeals*, Appeal No. 2017AP001823 - Review of lower court decision re: Wis. DOT take down order for alleged enlargement of sign by “extension” added years prior.
- *The Lamar Company, LLC v. DOT*, Appeal No. 2017AP001001 - Condemnation review involving three signs taken: nonconforming sign valuation issues.

- *The Lamar Company, LLC v. Country Side Restaurant, Inc.*, Appeal No. 2013AP2215 - Sign takings: Just compensation and relocation payments are not mutually exclusive for permitted signs.
- *Lamar Central Outdoor v. Wisconsin Department of Transportation*, Appeal No. 2013AP1188 - Sign removal order issues testing a sign's legality may only be determined at the Division of Hearings and Appeals, not in an eminent domain case.
- *Lamar Outdoor Advertising v. Country Side Restaurant, Inc.*, 2012 WI 46, 340 Wis. 2d 335, 814 N.W.2d 159 (Sup. Ct. 2012)
- *Adams Outdoor Advertising v. County of Dane*, No. 2010AP178 (Ct. App. Feb. 2, 2012) (publication decision pending) - Digital sign rights issues and Dane County zoning regulations; interplay of town versus county zoning codes.
- *Adams Outdoor Advertising v. City of Madison*, 2010 WI App 120, 329 Wis.2d 270, 789 N.W.2d 754 (July 8, 2010) (unpublished) - Digital sign rights issues and Dane County zoning regulations; interplay of town versus county zoning codes.
- *Lamar Outdoor Advertising v. City of Milwaukee*, 2011 WI App 117, 336 Wis.2d 707, 805 N.W.2d 582 (July 26, 2011) - Property tax assessment appeals for outdoor advertising signs in the City of Milwaukee.
- *Adams Outdoor Advertising v. City of Madison*, 2010 WI App 120, 329 Wis.2d 270, 789 N.W.2d 754 (July 8, 2010) (unpublished) - Property tax assessment appeals for outdoor advertising signs in the City of Madison; valuation of signs for property tax versus eminent domain purposes.
- *Clear Channel Outdoor, Inc. v. City of Milwaukee*, Appeal No. 2010AP001809 - Declaratory action involving Milwaukee personal property tax assessments of signs.
- *David R. Thomas v. Darryl L. Buchanan*, Appeal No. 2010AP002594 - Contract dispute between milk producer and caretaker over the latter's performance.
- *Adams Outdoor v. City of Madison*, Appeal No. 2009AP1373 - Appeal from personal property tax assessments of billboards.
- *Styleline, Division of Dastin, Inc. v. Donald W. Bifano, and Helen L. Bifano*, 168 Wis.2d 774, 1992 WL 140603 (Wis.App.) (unpublished) - Issues of breach of contract, negligent impairment of the value of property in violation of Wisconsin Administrative Code Section 110 (Home Improvement Trade Practices).
- *Hoey Outdoor Advertising, Inc. v. Estate of Leonard W. Johnson*, 2006 Wis. App. - Option to extend versus option to renew sign site lease.
- *J. P. Cullen & Sons, Inc. v. Daul Industries, Inc.*, 2004 Wis. App. 1 (unpublished) - Promissory estoppel invoked by contractor against subcontractor for failing to fulfill subcontract to supply structural steel and metal components.
- *Hoey Outdoor Advertising, Inc. v. Ricci*, 2002 Wis. App. 231 - Continuing viability of sign site lease not recorded pursuant to section 706.09 of the Wisconsin Statutes.
- *Lavey v. The City of Two Rivers*, 171 F. 3rd 1110 (7th Cir. 1999) - Constitutionality of municipal sign ordinance.
- *Vivid, Inc. v. Fiedler*, 219 Wis. 2d 764 (1998) - Wisconsin Department of Transportation held to pay just compensation for the taking of outdoor advertising signs.
- *State ex rel Campbell v. Township of Delavan*, 210 Wis. 2d 239 565 N. W.2d 209 (Ct. App. 1997) - Property tax assessment appeal.
- *Vivid, Inc. v. Fiedler*, Unpublished Decision (Ct. App. 1997)
- *State ex rel Jag Outdoor v. Door County* (unpublished) Case No. 96-0599 (Ct. App. 1996) - Outdoor advertising corporation compelled to conform to maximum size requirements of existing code as a condition for a permit to "reconstruct" two billboards blown down in a storm.
- *Vivid, Inc. v. Fiedler*, 182 Wis. 2d 71 (1994)
- *Vivid, Inc. v. Fiedler*, 174 Wis. 2d 142 (Ct. App. 1993)
- *In Re: A&H, Inc.*, 122 BR 84, 24 Collier Bankr. Cas. 2d (MB) 1222 (Bankr. W.D. Wis. 1990) - Viability of general unsecured claim in Chapter 11 bankruptcy; claim resulted from multi-million dollar auto accident case.
- *General Fiberglass Supply, Inc. v. Borchert Laminators, Inc., et al*, 105 Wis. 2d 760, 317 N.W. 2d 510 (Wis. Ct. App.) - Creditor-shareholder seeks to set aside various mergers and transactions involving old and newly created corporations.
- *City of Two Rivers v. Thomas J. Lavey d/b/a Lakeland Outdoor Advertising*, Case No. 94-1615; 94-1616 (Ct. App., WI.)
- *A&H, Inc., v. Labor and Industry Review Commission and Russell Woelber*, 119 Wis. 2d 897, 350 N.W. 2d 740 (Wis. Ct. App. 1984)
- *Erwin F. Stier v. Magdalene Stier*, 121 Wis. 2d 693, 359 N.W. 2d 179 (Wis. Ct. App. 1984) - Family law case issues involving property division.
- *St. John Vianney School v. Janesville Education Board*, 114 Wis. 2d 140, 336 N.W. 2d 387 (Ct. App. 1983) - Claims brought relating to bussing of parochial school children in the City of Janesville.
- *Rock County Savings and Trust Company v. Donald G. Tracy, et al and Associates Financial Services Company of Wisconsin, Inc.*, 107 Wis. 2d 746, 322 N.W. 2d 700 (Wis. Ct. App. 1982) - Mortgage foreclosure action brought by debtors; Posse comitatus involving failure of mortgagee to deliver gold or silver in return for mortgage.
- *Sorce v. Rinehart*, 69 Wis. 2d 631, 230 N.W. 2d 645 - Rights of buyer and seller under a land contract in seller's action for specific performance.

Professional and Civic Associations

- American Bar Association (Litigation Section)
- State Bar of Wisconsin (Past Chair, District Nine Committee), (Past Chairman, Audit Committee and Committee on Assistance for Lawyers), (Past Member, State Bar Board of Governors and Executive Committee), (Past Treasurer)
- Rock County Bar Association (Past Chairman, Project Inquiry) (Past President)
- Madison Downtown Kiwanis Club (Past Board Member and Audit Committee Chair)
- Legion of Honor (30+ years)
- Kiwanis International Hixson Fellow, Fellow
- Kiwanis International Foundation, Fellow

Honors and Accomplishments

- American Bar Association, Fellow
- Wisconsin Law Foundation, Fellow
- Wisconsin Super Lawyers®(2005-2010)

- AV Preeminent® Peer Review Rated by *Martindale-Hubbell*®

Community Involvement

- Wisconsin Equal Justice Fund, (Past President) (Board of Directors, 2008-2022)
- University of Wisconsin Band Alumni Association, Steering Committee
- Wisconsin Lawyers Assistance Program (WisLAP)
- Small Claims Assistance Program, Dane County Bar Association
- Drum Major, University of Wisconsin Marching Band (3 years), inducted to Hall of Fame 2017