



Written by [Rebecca Terrell](#) on November 1, 2025

New Trial Request Seeks Justice in Covid Case

The fight for medical freedom continues in Wisconsin as a courageous family takes its first steps toward launching a new lawsuit regarding the death of their daughter in a Covid hospital in 2021.

Grace Schara had celebrated her 19th birthday less than one month before she died, and her parents, Scott and Cindy, believe she was targeted for destruction because she had Down syndrome.

In June they lost their [civil trial](#) against St. Elizabeth Hospital in Appleton and against the doctor and nurse in charge of Grace's care. Healthcare providers blamed Covid for her death; the family blames a unilateral DNR (Do Not Resuscitate order) and an overdosing cocktail of drugs.



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Following the verdict, Scott [told](#) *The New American* that an [appeal](#) was unlikely. However, the Scharas are now petitioning the circuit court of Outagamie County for a new trial based on evidence they say has recently come to light.

The New Motion

Scott's [motion](#) describes bias on the part of the judge in the previous trial. "During my pretrial hearing on May 20, 2025, after one of my attorneys informed Judge [Mark] McGinnis that I had given an interview to the Appleton Post-Crescent several days prior, Judge McGinnis stated that he found that offensive and that there would be a consequence and then he summarily denied all of my motions in limine," reads Scott's [affidavit](#) supporting his combined motions for reconsideration and a new trial. (A "motion in limine" is a pretrial request that particular testimony or evidence not be presented in the trial court.)

The [affidavit](#) continues:

It was not until September 10, 2025, that I had any knowledge or reason to believe that Judge McGinnis might have a personal resentment toward the Post-Crescent. It was only then that I learned that the Post-Crescent, on January 24, 2024, had published an article critical of Judge McGinnis and his rulings alleging that they were based upon his personal bias.

Had Judge McGinnis, on May 20, 2025, upon learning of my interview with the local publication, informed me of the above facts, I could have asked for his recusal or sought his removal from my case for bias.

My trial attorneys did not inform me of the Post-Crescent's criticisms of Judge McGinnis, and my late discovery of this information did not arise from a lack of diligence on my part in



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seeking to discover it.

The full [motion](#) filed on October 29 adds another recent revelation “involving the Court issuing over \$50,000.00 in cost judgments against Plaintiff in violation of the law,” and says this “showed the Court’s personal bias.” It concludes that “the Court lost the presumption of impartiality.” The motion also charges:

Throughout the trial, this Court allowed Defendants to attack Plaintiff and his family members with their religious beliefs and expressions and views on medicine and the broader health care system, with the presumed purpose and clear effect of undermining their credibility with the jury.... Statute § 906.10 expressly prohibits evidence of religious beliefs or opinions to show that the witness’s credibility is impaired or enhanced.

A third issue raised in the Schara [motion](#) regards the request in the previous trial for a declaratory judgment by the judge regarding “an illegal DNR” place on their daughter’s chart. The judge never ruled on this matter:

The Court’s Dismissal of Plaintiff’s declaratory judgment claim was erroneous. Plaintiff’s declaratory judgment claim was his most important claim.... The Court should issue a declaratory judgment that Dr. [Gavin] Shokar [Grace’s attending physician the day she died] placed an illegal DNR on Grace’s chart in violation of Wis. Stat. § 154.19.... The facts necessary for the Court to issue a declaratory judgment that Dr. Shokar placed an illegal DNR on Grace’s chart in violation of Wis. Stat. § 154.19 were undisputed, and the Court had already determined that the statute applied to those facts.

Yet another topic raised in the [motion](#) regards the judge’s dismissal of a battery claim that alleged Shokar and Grace’s nurse, Hollee McInnis, committed that crime in administering medications to Grace without informed consent. The document calls this dismissal “erroneous”:

Under the overarching idea of a patient giving implied consent by being in a hospital, the Court based its dismissal on its finding that Plaintiff had consented to the contact.... Lacking evidence of express consent from anyone in Grace’s family, the Court looked for implied consent through its own biased lenses, ignoring the context of their testimony, and claimed to have found it.

The Scharas appeal for a new trial “in the interests of justice.” To date neither the court nor any individuals mentioned in the motion have responded.



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