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Supreme Court of Wisconsin

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FILED
06-18-2024
CLERK OF WISCONSIN
SUPREME COURT

June 18, 2024

To:

Hon. Anthony A. Lambrecht
Circuit Court Judge
Electronic Notice

Patrick McDonald
Electronic Notice

April Higgins
Clerk of Circuit Court
Manitowoc County Courthouse
Electronic Notice

Stephen James Schweiner
2744 Memorial Drive
P.O. Box 520
Two Rivers, WI 54241

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2024AP398

Schweiner v. State Farm Ins. Co., L.C.#2023SC404

On April 22, 2024, the court of appeals issued its final decision in this matter, and on May 7, 2024, it denied a timely motion for reconsideration filed by plaintiff-appellant, Stephen James Schweiner, pro se. A petition for review conforming to the requirements of Wis. Stat. § 808.10 and § (Rule) 809.62 must be filed in this court within 30 days of the court of appeals' adverse decision or within 30 days of the court of appeals' decision on a timely filed motion for reconsideration. See Wis. Stat. § 808.10. Consequently, the deadline for filing a petition for review in this matter was **Thursday, June 6, 2024**. Id.

A petition for review signed by Mr. Schweiner was received in the clerk's office on **Friday, June 7, 2024**. Also on June 7, 2024, the court, through its clerk's office, dismissed the petition for review as untimely.

On June 14, 2024, Mr. Schweiner filed a letter that this court construes as a motion for reconsideration of the June 7, 2024 dismissal order. In his motion, Mr. Schweiner suggests the clerk's office calculated his 30-day deadline to file a petition for review from the date of the court of appeals' final decision rather than from the date of the court of appeals' decision on the motion for reconsideration and therefore the petition for review received on June 7, 2024, was timely filed. That is not the case, as explained above. Accordingly,

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IT IS ORDERED that the motion for reconsideration is denied. For Mr. Schweiner's petition for review to have been timely, the clerk's office needed to receive the petition for review within 30 days after the court of appeals' decision on the motion for reconsideration (**June 6, 2024**). Consequently, the petition received on **June 7, 2024**, is untimely pursuant to Wis. Stat. §§ 808.10 and 809.62(1m), and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d. 360, 274 N.W.2d 704 (1979).

Samuel A. Christensen
Clerk of Supreme Court