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Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WI 53701-1688

TELEPHONE (608) 266-1880
FACSIMILE (608) 267-0640
Web Site: www.wicourts.gov

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CLERK OF WISCONSIN
SUPREME COURT

July 12, 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 construed as a motion for reconsideration of the June 7, 2024 dismissal order. The court denied the motion for reconsideration by order dated June 18, 2024. The order stated that in order 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, was untimely pursuant to Wis. Stat. §§ 808.10

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and 809.62(1m), and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d. 360, 274 N.W.2d 704 (1979).

On June 21, 2024, Mr. Schweiner filed a second motion for reconsideration of the June 7, 2024 dismissal order. With that motion, Mr. Schweiner included copies of the cover pages for his petition for review and appendix, both of which bear the stamp, "RECEIVED: Clerk of Supreme Court of Wisconsin," dated June 6, 2024. Mr. Schweiner also included a copy of the signature page from his petition for review, dated June 6, 2024.

While the court concedes the stamp on Mr. Schweiner's copies is a true stamp of the clerk's office, the date of the stamp is incorrect, due to staff error. Further, the clerk affirms the filing date of documents with a "FILED" stamp; the "RECEIVED" stamp is insufficient to establish a document filing date. As well, there is no significance to Mr. Schweiner's signature page bearing the June 6, 2024 date; the timeliness of a court filing is based on the filed date, not the date the document was signed. Therefore,

IT IS ORDERED that the second motion for reconsideration filed by plaintiff-appellant, Stephen James Schweiner, pro se, is denied.

Samuel A. Christensen
Clerk of Supreme Court