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**DISTRICT II**

October 22, 2025

To:

Hon. Bryan D. Keberlein  
Circuit Court Judge  
Electronic Notice

Danielle Baudhuin Tierney  
Electronic Notice

Desiree Bongers  
Clerk of Circuit Court  
Winnebago County Courthouse  
Electronic Notice

Peter J. Long  
1761 W. Butte Des Morts Beach Rd.  
Neenah, WI 54956

Lori M. Lubinsky  
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

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2023AP1567

Peter J. Long v. John F. Matz (L.C. #2022CV906)

Before Gundrum, Grogan, and Lazar, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Peter J. Long, pro se, appeals orders that collectively dismissed Long's negligence claim against various Winnebago County law enforcement officials, denied Long's request for more time to respond to the motion to dismiss, and denied Long's attempts to seek reconsideration of the dismissal. Based upon our review of the briefs and Record, we conclude at conference that

this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> We affirm the orders.

In 2022, Long sued several law enforcement officials, asserting that as a result of their negligence, he had contracted COVID-19 while in their custody. The officials moved to dismiss the complaint, and the circuit court entered a scheduling order that required Long to file his response to the motion by May 22, 2023. Long sought, and was granted, an additional 45 days to file his response brief. The extension would have made the brief due on July 6, 2023.

Long did not file a response brief, and on July 11, 2023, the officials submitted a proposed order for dismissal. By letter dated July 14, Long submitted an untimely request for an extension of time to file a response. The circuit court declined to grant additional time and granted the officials' motion to dismiss.<sup>2</sup> Long filed a motion to reopen the judgment under WIS. STAT. § 806.07, and he also requested leave to amend the complaint to address one of the defects argued in the motion to dismiss. The court denied those motions, as well as two subsequent motions for reconsideration.

On appeal, Long challenges the denial of his WIS. STAT. § 806.07 motion, the denial of his motion for leave to amend the complaint, and the denial of his two reconsideration motions. We review each of these matters for an erroneous exercise of discretion. *See Miller v. Hanover Ins. Co.*, 2010 WI 75, ¶29, 326 Wis. 2d 640, 785 N.W.2d 493 (reviewing a decision denying relief under § 806.07 for an erroneous exercise of discretion); *Finley v. Culligan*, 201 Wis. 2d

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version.

<sup>2</sup> Despite the denial of the extension motion, Long filed a response brief on July 20, 2023.

611, 626, 548 N.W.2d 854 (Ct. App. 1996) (“A trial court’s decision to grant leave to amend a complaint is discretionary.”); *Koepsell’s Olde Popcorn Wagons, Inc. v. Koepsell’s Festival Popcorn Wagons, Ltd.*, 2004 WI App 129, ¶6, 275 Wis. 2d 397, 685 N.W.2d 853 (“We review a trial court’s decision on a motion for reconsideration under the erroneous exercise of discretion standard.”). A court appropriately exercises its discretion if it “relies on the relevant facts in the record and applies the proper legal standard to reach a reasonable decision.” *State v. Edmunds*, 2008 WI App 33, ¶8, 308 Wis. 2d 374, 746 N.W.2d 590.

Long has not demonstrated that the circuit court erroneously exercised its discretion when it denied his WIS. STAT. § 806.07 motion. Long argues the court should have considered his response brief because under the prison mailbox rule, *see State ex rel. Shimkus v. Sondalle*, 2000 WI App 262, 240 Wis. 2d 310, 622 N.W.2d 763, the brief was “filed” prior to the entry of the order granting the motion to dismiss. But as the court recognized, both Long’s brief and his second extension motion were untimely, as there is no indication they were placed in a prison mailbox by the July 6, 2023 response deadline. Long has not demonstrated that the court was under any obligation to accept his tardy filings.

In an attempt to justify the late filings, Long explains that he was unsure what day his first extension motion was granted, and he believed he had until a scheduled motion hearing date on July 25, 2023, to file his response brief. But Long was surely aware that he had requested, and been granted, only a 45-day extension. If Long was confused about the date of the extension granted by the circuit court, it was incumbent upon him to seek clarification of the due date in a timely manner. Instead, Long made an assumption that turned out not to be correct. The court cannot be faulted for concluding that Long’s mistaken belief did not justify relief from the judgment.

Long next argues the circuit court erred by failing to address, or by failing to articulate a rationale for denying his motion to amend the pleadings. Here again, Long merely assumes that the court was obligated to act on, let alone grant, a request first made in an untimely response brief. Long has failed to demonstrate an erroneous exercise of discretion in this regard.

Lastly, Long asserts the circuit court erred when it denied his motions for reconsideration. The first motion sought reconsideration of the court's decision to dismiss Long's claim with prejudice. Long argues the dismissal with prejudice contravened *Trispel v. Haefer*, 89 Wis.2d 725, 279 N.W.2d 242 (1979), because the court made no finding of egregious conduct or bad faith. The dismissal with prejudice in *Trispel*, however, was ordered as a sanction under WIS. STAT. § 805.03 for the violation of a court order. Here, Long's claim was dismissed because his failure to timely file a response brief left the motion to dismiss unopposed. We perceive no erroneous exercise of discretion arising from the court's decision to dismiss Long's action with prejudice.

Long's other motion sought reconsideration based on the canceled July 25, 2023 hearing date. Long asserts that the circuit court was required to hold an evidentiary hearing prior to dismissing his action on personal jurisdiction grounds. However, insufficient service of process was only one of three grounds advanced in the motion to dismiss. The county officials also asserted the statute of limitations had expired and they were entitled to statutory immunity. As such, there were ample alternative bases for dismissal. The court was not required to hold a meaningless evidentiary hearing, particularly after it had "reviewed the complaint multiple times in regard to the plaintiff's [reconsideration] motions" and concluded that under no condition could Long receive any relief based on that filing.

We note that Long's briefing fails to develop many aspects of his arguments, and only in the reply brief does Long attempt to apply the appropriate standard of review to the issues he raises. In accordance with our obligation to liberally construe filings by pro se litigants, *State v. Romero-Georgana*, 2014 WI 83, ¶69, 360 Wis. 2d 522, 849 N.W.2d 668, we have addressed Long's arguments as best we understand them. However, we could also reject Long's arguments on the principle that undeveloped arguments need not be addressed. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992). We apply that principle to the extent that we have not addressed certain issues Long wishes to have raised.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*