



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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December 20, 2021

**To:**

Hon. Jacob B. Frost  
Circuit Court Judge  
Room 5109, Branch 9  
215 S. Hamilton St.  
Madison, WI 53703

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Clerk of Circuit Court  
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Milwaukee, WI 53226-3432

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

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No. 2021AP908

Clarke v. SSM Health Care Corp. L.C. #2019CV1630

The court is in receipt of a petition for bypass filed on behalf of defendants-respondents-cross-appellants, Diversified Medical Record Services, Inc., SSM Health Care Corporation and Dean Clinic & St. Mary's Hospital Accountable Org., by Attorneys John Franke and Allen C. Schlinsog. The court is also in receipt of a response to the petition for bypass filed on behalf of plaintiff-appellant-cross respondent, Brittany D. Clarke, by Attorneys Robert J. Welcenbach, Scott Borison, and John Craig Jones.

The hard copy petition for bypass contains printed words that say it was "electronically signed" by Attorneys Franke and Schlinsog, but it lacks handwritten signatures from Attorneys Franke and Schlinsog. The hard copy response to the petition for bypass contains printed words

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that say it was "electronically signed" by Attorney Welcenbach. See "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," S. Ct. Order 19-02A and 20-07A, 2021 WI 62 (issued June 15, 2021, eff. July 1, 2021), Revised Interim Rule at 6 ("Handwritten signatures must be used to sign paper documents. See former § 802.05(1).").

Wisconsin Stat. § 802.05(1) provides: "An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party." See also § (Rule) 809.84 (stating that appeals are governed by the rules of civil procedure unless the appellate rules or the circumstances of the appeal require a different result).

By this order, Attorneys Franke, Schlinsog, and Welcenbach are hereby notified that a handwritten signature is required on the petition for bypass and the response.

IT IS ORDERED that Attorney John Franke and/or Attorney Allen C. Schlinsog shall, within fourteen calendar days of the date of this order: (1) file the petition for bypass with an original signature; (2) file an electronic version of the petition for bypass bearing a signature; and (3) serve one copy of the petition for bypass bearing a signature on opposing counsel. Failure to comply with these directives may result in the dismissal of the petition for bypass. See Wis. Stat. § (Rule) 809.83; and

IT IS FURTHER ORDERED that Attorney Robert J. Welcenbach shall, within fourteen calendar days of the date of this order: (1) file the response to the petition for bypass with an original signature; (2) file an electronic version of the response bearing a signature; and (3) serve one copy of the response bearing a signature on opposing counsel. Failure to comply with these directives may result in the striking of the response to the petition for bypass. See Wis. Stat. § (Rule) 809.8.

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Sheila T. Reiff  
Clerk of Supreme Court