



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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October 11, 2022

To:

Hon. William S. Pocan
Circuit Court Judge
Milwaukee County Courthouse
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Milwaukee, WI 53233

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Clerk of Circuit Court
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*Address list continued on Page 3.

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

No. 2019AP2095

Great Lakes Excavating v. Dollar Tree Stores, Inc.
L.C.#2019CV2945

Pursuant to this court's June 22, 2022 decision, Great Lakes Excavating, Inc. (Great Lakes) filed a statement of costs under Wis. Stat. § 809.25. Riverworks City Center, LLC (Riverworks) filed objections to certain of the requested costs, which objections were joined by Dollar Tree Stores, Inc. (Dollar Tree). The court sustains the objections in part and overrules them in part.

Because Great Lakes obtained reversal of the court of appeals' decision in this court, the costs that were previously taxed against it in the court of appeals are cancelled, and Great Lakes is entitled to receive its allowable costs in the court of appeals. Wis. Stat. § 809.25(1)(a)4. The objection to allowable costs incurred in the court of appeals is overruled. Costs are not allowed under Wis. Stat. § 809.25(1)(b), however, for a motion for reconsideration in the court of appeals or for a petition for review in this court. The objections to those costs will be sustained. Further, this court has not allowed costs for binding fees or for postage/shipping charges. Those costs are not listed as allowable costs in Wis. Stat. § 809.25(1)(b). The objections to those costs are therefore sustained. Riverworks has also objected to duplicate fees for the preparation of the

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record. Great Lakes has not replied to this objection. The court will therefore sustain the objection, as there should have been only one fee for the preparation of the record. Riverworks has also objected to Great Lakes request for costs (copy charges and filing fee) related to an unsuccessful petition to the court of appeals for leave to file an interlocutory appeal. The court sustains that objection. There is no provision in Wis. Stat. § 809.25(1)(b) for costs in another appellate proceeding, and the court will not exercise its discretion to allow such costs in this case. Finally, the court will limit the number of copies of briefs and appendices to the number “required by the rules,” Wis. Stat. § 809.25(1)(b)1., which is the number that must be filed with the respective court plus three copies for each respondent. Accordingly,

IT IS ORDERED that costs and disbursements herein are hereby taxed and ordered in the amount of Two Thousand Four Hundred Ninety-Six Dollars and 11/100 (\$2,496.11) in favor of plaintiff-appellant-petitioner, Great Lakes Excavating, Inc.; and

IT IS FURTHER ORDERED that, upon remittitur, the clerk of the circuit court shall enter the judgment for costs in the amount specified above in accordance with Wis. Stat. § 806.16. See Wis. Stat. § 809.25(1)(d).

Costs Allowed:

Briefs and Appendices:

Court of Appeals: 208 pages x 16 copies x .15/page=\$499.20

Supreme Court: 270 pages x 28 copies x .15/page=\$1,134.00

Filing Fees:

Court of Appeals: \$195.00

Supreme Court: \$195.00

Transcript Preparation Fees: \$457.50

Record Preparation Fee: \$15.41

Total: \$2,496.11

Sheila T. Reiff
Clerk of Supreme Court

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