



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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January 3, 2023

**To:**

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Winnebago County Courthouse  
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Richland Center, WI 53581

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

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No. 2022AP302

Fin N' Feather Properties, Inc. v. Wisconsin Dep't of Transportation  
L.C.#2020CV176

The court of appeals issued its decision in this proceeding on November 16, 2022. In order to be timely filed, a petition for review conforming to the requirements of Wis. Stat. § 808.10 and § (Rule) 809.62 must be filed in this court pursuant to Wis. Stat. § 809.80 within 30 days of the court of appeals' adverse decision. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). In this case, the petition for review deadline was December 16, 2022.

On December 16, 2022, counsel for plaintiff-appellant, Fin N' Feather Properties, LLC, submitted an electronic copy of a petition for review and an appendix into the appellate eFiling system. Counsel did not file a paper original of the petition on that date. On December 20, 2022, the clerk of this court rejected the electronic copy of the petition for review because no paper copy had been received and issued an order dismissing the petition for review. On December 29, 2022, counsel for plaintiff-appellant filed a motion to enlarge the time to file its petition for review and

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appendix, which this court construes to be a motion for reconsideration of the clerk's December 20, 2022 order and the rejection of the electronic copy of the petition for review.

This case has not been selected to be a part of the Supreme Court eFiling pilot project. Pursuant to this court's June 15, 2021 order entitled "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," (Nos. 19-02A and 20-07A), and the "Wisconsin Supreme Court Electronic Filing Pilot Project: Revised Interim Rule Beginning July 1, 2021" that was adopted by the June 15, 2021 order, petitions for review (and appendices) in cases that are not part of the Supreme Court eFiling pilot project must be filed as paper originals (with the required number of copies) with the Clerk of the Supreme Court within the 30-day period required by Wis. Stat. § 808.10. This means that the paper original of a petition for review must be physically delivered to the Clerk of the Supreme Court within the 30-day period. Although an electronic copy of the petition for review must also be filed with the Clerk of the Supreme Court, Wis. Stat. § (Rule) 809.62(4)(b), for cases that are not officially designated as part of the eFiling pilot project in the Supreme Court, the physical filing of the paper original of the petition for review (not the electronic copy) is the determining factor for whether a petition for review is timely filed under Wis. Stat. § 808.10.

In this case no paper original of a petition for review was filed within the 30-day period prescribed by Wis. Stat. § 808.10, and the petitioner has not properly invoked this court's appellate jurisdiction. Accordingly,

IT IS ORDERED that the motion for reconsideration is denied. The petition for review was properly rejected.

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Sheila T. Reiff  
Clerk of Supreme Court