



OFFICE OF THE CLERK

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

January 6, 2023

To:

Hon. Angelina Gabriele
Circuit Court Judge
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

Douglas W. Lehrer
Matthiesen, Wickert & Lehrer SC
P.O. Box 270670
Hartford, WI 53027-0670

John V. O'Connor
The Law Office of John V O'Conner, LLC
7500 Green Bay Rd., Ste. 201
Kenosha, WI 53142

Michael K. Roberts
Pamela M. Schmidt
Scopelitis Gavin Light, Hanson & Feary PC
330 E. Kilbourn Ave., Ste. 827
Milwaukee, WI 53202

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

No. 2021AP2082

Gabriel v. Renaissance Entertainment Productions, Inc.,
L.C. # 2020CV548

On November 16, 2022, the court of appeals issued its final decision in this matter, and on November 30, 2022, it denied a timely filed motion for reconsideration filed on behalf of plaintiff-appellant, Kira Gabriel. 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 or within 30 days of the court of appeals' decision on a timely filed motion for reconsideration. See Wis. Stats. § 808.10 and § (Rule) 809.80. Consequently, the deadline for filing a petition for review in this matter was Friday, December 30, 2022. Wis. Stat. § 808.10(1).

Page 2

January 6, 2023

No. 2021AP2082

Gabriel v. Renaissance Entertainment Productions, Inc.,
L.C. # 2020CV548

On December 28, 2022, counsel for plaintiff-appellant submitted an electronic copy of a petition for review into the appellate eFiling system. Counsel did not file a paper original or copy of the petition on that date. On January 4, 2023, counsel for the plaintiff-appellant physically filed a paper original of the petition for review, and the required number of copies, with the clerk's office.

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, as amended by the court's July 7, 2022 order entitled "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," and the "Wisconsin Supreme Court Electronic Filing Pilot Project: Amended Revised Interim Rule Beginning July 1, 2021 (amended July 7, 2022)" that was adopted by the July 7, 2022 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 or paper 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 or a paper copy 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 or a paper copy 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, the paper original and paper copies of a petition for review were not filed within the 30-day period prescribed by Wis. Stat. § 808.10, and the petitioner has not properly invoked this court's appellate jurisdiction. The plaintiff-appellant's petition for review is untimely and must be dismissed. Accordingly,

IT IS ORDERED that the petition for review is dismissed.

Sheila T. Reiff
Clerk of Supreme Court