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Supreme Court of Wisconsin

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10-13-2023
CLERK OF WISCONSIN
SUPREME COURT

October 13, 2023

To:

Hon. Lloyd V. Carter
Circuit Court Judge
Electronic Notice

Brian Keenan
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Michael S. Kleinhans
13150 Gremoor Dr.
Elm Grove, WI 53122

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

No. 2023AP1661-W Kleinhans v. Court of Appeals, District II, L.C.#2021CV1708

On October 3, 2023, the clerk of this court received a document entitled “Motion for Indigency[;] Motion to allow electronic filing by petitioner’s legal secretary[; and] Statement on assigning appellate Court.” The document purports to be filed on behalf of petitioner, Michael Kleinhans, but it does not contain any handwritten signature by Mr. Kleinhans. At the bottom of the document, there is a line that says “Electronically signed by Michael Kleinhans.”

The motion does not comport with the applicable rules, and will not be considered unless, within 14 days, the petitioner provides a copy of the motion bearing his handwritten signature. The petitioner is a paper filer in this court pursuant to Wis. Stat. § 809.80 and 809.81 because he has not registered with the electronic filing system and opted into this proceeding. Thus, he is currently required to file and serve all document via traditional means (i.e., via paper documents or copies filed with the court and served on all other parties). All paper documents submitted by paper filers must contain a handwritten signature. Wis. Stat. § 809.84 (rules of civil procedure apply unless matter is governed by specific rule of appellate procedure; § 802.05 (“[e]very pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney’s individual name, or, if the party is not represented by an attorney, shall be signed by the party.”)). Electronic signatures using the phrase “electronically signed by . . .” may be used only in documents that are electronically filed through the appellate e-filing system. Wis. Stat. § 809.801(12). Because petitioner may not file documents electronically at this time, the line at

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the bottom of the document carries no legal significance. The court will give petitioner 14 days from the date of this order (October 27, 2023) to correct the defect in the motion by affixing his handwritten signature to the document received by the clerk of this court or to file a new copy bearing his handwritten signature. In the event that petitioner fails to correct the defect within the specified time, the motion will be dismissed.

Accordingly,

IT IS ORDERED that the clerk of this court shall provisionally accept for filing the nonconforming motion identified above; and

IT IS FURTHER ORDERED that, on or before October 27, 2023, petitioner shall either affix his handwritten signature to the motion document received by the clerk of this court or submit a copy of the motion bearing petitioner's handwritten signature. If petitioner fails to correct the defect of the lack of a handwritten signature by October 27, 2023, the motion will be summarily dismissed.

Samuel A. Christensen
Clerk of Supreme Court