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Supreme Court of Wisconsin

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June 15, 2022

To:

Hon. Gregory B. Gill Jr.
Circuit Court Judge
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Richard A. Lauer
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2021AP1203

Richard A. Lauer v. Dennis Lauer, L.C. #2015PR33

On June 8, 2022, appellant-petitioner, Richard A. Lauer, pro se, filed a motion asking this court to reconsider its May 6, 2022 order in which the court denied Mr. Lauer's initial request for reconsideration of this court's April 13, 2022 order denying Mr. Lauer's petition for review. In his petition for review, Mr. Lauer asked this court to review an unpublished court of appeals order dated January 6, 2022, in which the court of appeals denied Lauer's motion for reconsideration of the court of appeals' December 22, 2021 order. That December 22, 2021 court of appeals order, in turn, denied Mr. Lauer's request to reinstate a prior appeal, 2017AP1790.

Mr. Lauer acknowledges that this case has a long history. He has contended that "[t]he history of the case would require minimally hundreds of pages to note the errors of the Court and the bias and unfairness of the Judges and the progression of this matter through the Court system." His 13-page motion presently before the court raises many issues, including an allegation of judicial bias, a request for clarification, various jurisdictional challenges, a challenge to the constitutionality of certain, case law and to the imposition of costs. He asks the court to order the disqualification or recusal of Judge Hruz and Judge Stark, seeks a change of venue, and sought a briefing extension if his appeal was reinstated. Specifically, he presented the following issues for our review:

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1. Is Richard Lauer entitled to have a void order expunged by the Court which issued it? Does remittitur affect the jurisdiction of the COA to expunge a void order or may a court expunge a void order at any time?
2. To dismiss an appeal, must there be a showing of egregiousness or bad faith on the part of the non-complying party?
3. Is Richard Lauer entitled to copies of transcripts of secret or clandestine hearings to which he was a party, but not notified of the hearings?
4. Does the COA have jurisdiction whereas Appeal 17AP1790 was improvidently dismissed and subsequent proceedings are predicated upon the void order?
5. Does the COA have jurisdiction under Wis. Stat. §808.03 to entertain an order which is not final.
6. Was Richard Lauer entitled to have been notified of the judicial disqualification and afforded a chance to waive disqualification and substitution of judge pursuant to Wis. Stat. 719.57?
7. Certain recent rulings by the COA indicate bias, unfairness and lack of impartiality and require recusal?

Mr. Lauer's petition for review was denied because the court determined that it did not meet the criteria this court uses to determine whether its discretionary review is merited. Wis. Stat. § 809.62(1r). We agree with the court of appeals that Mr. Lauer's repeated requests that the court "clarify" its orders are a "thinly veiled second motion for reconsideration." As the court of appeals stated in its March 3, 2022 order: "Lauer is not, however, entitled to continually relitigate in this court matters that we have already decided." Moreover, even if a party does brief an issue, an appellate court has discretion not to decide the issue. "An appellate court is not a performing bear, required to dance to each and every tune played on an appeal." State v. Waste Management of Wisconsin, Inc., 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).

IT IS ORDERED the motion is dismissed. Further filings seeking reconsideration of our April 13, 2022 order will be placed in the court file without response.

ANNETTE KINGSLAND ZIEGLER, C.J., did not participate.

Sheila T. Reiff
Clerk of Supreme Court