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CLERK OF WISCONSIN
SUPREME COURT

January 25, 2024

To:

Hon. Daniel J. Tolan
Circuit Court Judge
Electronic Notice

Timothy J. O'Brien
Electronic Notice

Sharon Jorgenson
Clerk of Circuit Court
Polk County Justice Center
Electronic Notice

Vince C. Reuter
Electronic Notice

Carol N. Skinner
Electronic Notice

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

No. 2022AP1280 Alden Associates v. Curry, L.C.#2018CV278

No. 2023AP520 Alden Associates v. Curry, L.C.#2018CV278

On December 19, 2023, the court of appeals issued its final decision in Alden Associates v. Curry, Case No. 2022AP1280. By rule, the deadline for filing a petition for review in that case was January 18, 2024. See Wis. Stat. § 808.10.

On the evening of January 18, 2024, Alden Associates and Marge Alden (collectively, the "Petitioners"), submitted a petition for review in a different case involving the same parties, Alden Associates v. Curry, Case No. 2023AP520—a case in which the court of appeals has not yet issued a final decision. Although the caption on this petition bears Case No. 2023AP520, the petition itself states that it seeks this court's review of the court of appeals' decision in "Appeal No. 2022AP1280, filed by the appellate court on December 19, 2023." The petition also includes a copy of the court of appeals' December 19, 2023 decision in Case No. 2022AP1280 as the first item in its appendix. See 809.62(2)(f)1. (requiring an appendix to a petition for review to contain, as the first item, "[t]he decision and opinion of the court of appeals").

On January 23, 2024, the Petitioners submitted a petition for review in Case No. 2022AP1280. The petition appears to be identical to the petition filed in Case No. 2023AP520 on January 18, 2024, except for the case number that appears in the caption.

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January 25, 2024

No. 2022AP1280

Alden Associates v. Curry, L.C.#2018CV278

No. 2023AP520

Alden Associates v. Curry, L.C.#2018CV278

In the interest of docket management,

IT IS ORDERED that the clerk of this court shall transfer the petition for review submitted in Case No. 2023AP520 on January 18, 2023, to the docket in Case No. 2022AP1280. This petition shall be the operative petition for review in Case No. 2022AP1280; and,

IT IS FURTHER ORDERED that this court shall take no action on the petition for review submitted in Case No. 2022AP1280 on January 23, 2024; and,

IT IS FURTHER ORDERED that the clerk shall file a copy of this order in the dockets for Case Nos. 2023AP520 and 2022AP1280; and,

IT IS FURTHER ORDERED that any response to the petition for review shall be due 14 days from the date of this order.

Samuel A. Christensen
Clerk of Supreme Court