



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

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CLERK OF WISCONSIN
SUPREME COURT

July 2, 2025

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

No. 2024AP78

The Estate of Finley Baier v. Hermauer, L.C.#2021CV554

On June 16, 2025, counsel for plaintiffs-respondents-petitioners, The Estate of Finley Baier, Taylor Baier, and Faith Moening (collectively “Baier”), submitted into the appellate eFiling system a document titled “Petition for Review.” This order will refer to this document as the “original petition.” The original petition concerns the court of appeals’ decision of April 8, 2025, which the court of appeals declined to reconsider by order of May 16, 2025. In submitting the original petition, counsel for Baier made a number of errors, which this court described in its order of June 18, 2025. Specifically, the original petition lacked both an appendix and the form and length certification required by Wis. Stat. § 809.62. In addition, counsel for Baier submitted the original petition into the eFiling system under a new case number, rather than under the existing case number (2024AP78), and incorrectly identified the document as a petition for original action.

In this court’s June 18, 2025 order, the court stated that, to preserve the court’s jurisdiction, the court would accept the original petition as a petition for review filed as of that date in Case No. 2024AP78, and would give Baier until June 25, 2025, to file an amended petition for review in Case No. 2024AP78 that was fully compliant with our rules.

On June 24, 2025, counsel for Baier filed a document titled “Petition for Review,” with supporting appendix, in Case No. 2024AP78. This order will refer to this filing as the “amended petition.”

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On June 27, 2025, counsel for National Casualty Company filed a motion to strike Baier's amended petition in whole or in part. National Casualty asserts that, rather than making only those amendments necessary to correct the deficiencies in the original petition, Baier made substantive amendments to the original petition when preparing the amended petition, including adding a new argument section. National Casualty asks the court to strike the amended petition in its entirety and dismiss this matter or, alternatively, to strike the new argument section in the amended petition. National Casualty also requests an award of its fees and costs in bringing its motion.

IT IS ORDERED that the motion to strike is held in abeyance pending further order of the court.

IT IS FURTHER ORDERED that, by July 11, 2025, Baier shall either: (1) file a second amended petition for review that includes only those modifications to the original petition necessary to make the filing rule-compliant, as was the intent of this court's June 18, 2025 order; or (2) file a motion for leave to make substantive amendments to the original petition, which explains to the court the nature of the amendments, sets forth good cause for failing to raise them in the original petition, and attaches a copy of a proposed second amended petition for review.

IT IS FURTHER ORDERED that the July 9, 2025 deadline for any response to the petition for review, as set forth in our June 18, 2025 order, is hereby stayed pending further order of the court.

Samuel A. Christensen
Clerk of Supreme Court

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Distribution List Continued:

Erin Devlin Doran
Electronic Notice

Lisa Lampkin
Freeman Mathis & Gary LLP
3720 N. Scottsdale Road, Ste 310
Scottsdale, AZ 85253

Erik L. Fuehrer
Electronic Notice

Timothy A. Hawley
Electronic Notice

Jack G Lemkuil
Electronic Notice

Matthew S. Mayer
Electronic Notice

Emily M. Pinzl
Electronic Notice

Erik J. Pless
Electronic Notice

Joseph P. Putzstuck
Electronic Notice

Katelyn P. Sandfort
Electronic Notice

G. Adam Savoie
Electronic Notice

Pamela M. Schmidt
Electronic Notice

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Electronic Notice

Sean Harrison
Electronic Notice