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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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07-15-2025
CLERK OF WISCONSIN
SUPREME COURT

July 15, 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

In a June 18, 2025 order, this court provided counsel for plaintiffs-respondents-petitioners, The Estate of Finley Baier, Taylor Baier, and Faith Moening (collectively “Baier”), an opportunity to correct certain rule violations appearing in what we will refer to as Baier’s original petition for review. On June 24, 2025, Baier submitted an amended petition that both corrected these deficiencies and included substantive changes, including a new argument section. On June 27, 2025, National Casualty Company filed a motion asking 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 requested an award of its fees and costs in bringing its motion.

In a July 2, 2025 order, this court recounted this procedural history and required counsel for Baier to 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.” (Emphasis added).

On July 11, 2025, Baier filed a document titled, in part, “Motion for Leave to Make Substantive Amendments to the Original Petition.” In it, Baier argues that the June 24, 2025 amended petition complied with the court’s June 18, 2025 order, and that the substantive

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amendments contained therein were intended to “provide a fuller context for the issue in question by adding a short third section that explained Respondent’s likely counter-argument.” Baier submits that National Casualty “failed to explain how providing this broader context was ‘unjust.’” Thus, Baier says, the court should grant the motion for leave to make substantive amendments to the original petition. In the event the court denies the motion, Baier includes with the motion a “Second Amended Petition for Review” that, Baier represents, “includes only those modifications to the original petition necessary to make the filing rule-compliant.”

The court notes that Baier does not argue, let alone demonstrate, that good cause existed for failing to provide the contextual discussion referenced above in the original petition. Accordingly,

IT IS ORDERED that Baier’s motion for leave to make substantive amendments to the original petition is denied.

IT IS FURTHER ORDERED that Baier’s Second Amended Petition for Review, submitted July 11, 2025, shall be accepted for filing and shall serve as the operable petition for review in this matter.

IT IS FURTHER ORDERED that National Casualty’s motion to strike is denied as moot.

IT IS FURTHER ORDERED that any response to the Second Amended Petition for Review shall be filed within 14 days of the date of this order.

Samuel A. Christensen
Clerk of Supreme Court

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