



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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March 11, 2020

To:

Hon. Sarah B. O'Brien
Circuit Court Judge
215 South Hamilton, Br 16, Rm 6105
Madison, WI 53703

Edward Stewart
Lowe & Associates
20935 Swenson Dr., #310
Waukesha, WI 53186-2057

Carlo Esqueda
Clerk of Circuit Court
215 S. Hamilton St., Rm. 1000
Madison, WI 53703

Michael Garry
28 Frigate Crescent
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Cape Town, South Africa, SA 00052

Lowell E. Nass
Assistant Attorney General
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Madison, WI 53707-7857

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

No. 2002AP99

Michael Garry v. Trane Company L.C.#2001CV255

On March 30, 2018, Mr. Michael Garry, pro se, filed a petition for review of a May 20, 2002 court of appeals decision denying his motion for reconsideration. This court dismissed the petition for review by order dated April 5, 2018, on the ground that the petition for review was a request for the court to reconsider its May 28, 2002 order that dismissed a request for the extension of time to file a petition for review, and that there was no statutory authority permitting a motion for reconsideration of an order denying a petition for review, Archdiocese of Milwaukee v. City of Milwaukee, 91 Wis. 2d 625, 284 N.W.2d 29 (1979), and that the request was untimely. See Wis. Stat. §§ 808.10 and 809.62(1m), and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979); see also Gunderson v. State, 106 Wis. 2d 611, 318 N.W.2d 779 (1982). In addition, the equitable doctrine of laches precluded this very belated request. Sawyer v. Midelfort, 227 Wis. 2d 124, 159, 595 N.W.2d 423 (1999) (laches is an

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equitable doctrine whereby a party that delays making a claim may lose its right to assert that claim).

Mr. Garry has now, again, petitioned this court for review. The court again dismisses the petition, for the same reasons that the March 30, 2018 petition was dismissed. Therefore,

IT IS ORDERED that the petition for review is dismissed, without costs. As Mr. Garry has requested that communications be sent to his e-mail address, this order will be sent to him both electronically and by post.

IT IS FURTHER ORDERED that the clerk of court shall place any further filings from Mr. Garry in this matter into the closed file without response.

Sheila T. Reiff
Clerk of Supreme Court



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April 5, 2018

To:

Hon. Sarah B. O'Brien
Circuit Court Judge
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Madison, WI 53703

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Cape Town, South Africa, SA 00052

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

No. 2002AP99

Michael Garry v. Trane Company L.C.#2001CV255

On March 30, 2018, Mr. Michael Garry, pro se, filed a petition for review of a May 20, 2002, court of appeals decision denying his motion for reconsideration.

The court has reviewed the documents Mr. Garry has submitted. In 1991, Mr. Garry was injured working as a service engineer in Muscat, Oman, while employed by the Trane Company. He sought Worker's Compensation benefits from the Wisconsin Department of Industry, Labor and Human Relations (LIRC). Administrative Law Judge William Phillips, Jr. conducted hearings in February 1994 and March 1995, and recommended dismissal of Mr. Garry's application for lack of jurisdiction, by order dated March 29, 1996. On August 21, 1996, LIRC dismissed his petition for review of that order as untimely. Mr. Garry then waited over four years before attempting to seek review of this administrative determination from the Dane County Circuit Court. The Dane County Circuit Court dismissed his petition, with prejudice, by order dated September 19, 2001. His ensuing appeal to the court of appeals was also untimely.

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and this court dismissed his motion seeking to extend the time to petition for review by order dated May 28, 2002.

Mr. Garry now, 16 years later, again asks this court for review. He raises certain substantive arguments relating to the underlying decision.

However, this petition is, although belated, a request that this court reconsider its order denying the petition for review filed in this court. There is no statutory authority permitting a motion for reconsideration of an order denying a petition for review. Archdiocese of Milwaukee v. City of Milwaukee, 91 Wis. 2d 625, 284 N.W.2d 29 (1979). Moreover, this request is untimely. See Wis. Stat. §§ 808.10 and 809.62(1m), and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979); see also Gunderson v. State, 106 Wis. 2d 611, 318 N.W.2d 779 (1982). In addition, the equitable doctrine of laches would independently preclude this very belated request. Sawyer v. Midelfort, 227 Wis. 2d 124, 159, 595 N.W.2d 423 (1999) (laches is an equitable doctrine whereby a party that delays making a claim may lose its right to assert that claim). Therefore,

IT IS ORDERED that the petition for review is dismissed, without costs. As Mr. Garry has requested that communications be sent to his e-mail address, service of this order will be made to him both electronically and by post.

Sheila T. Reiff
Clerk of Supreme Court



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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May 28, 2002

To:

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You are hereby notified that the Court has entered the following order:

No. 02-0099

Michael Garry v. Trane Company L.C.#01CV255

The court having considered the motion of plaintiff-appellant, Michael Garry, to extend the time in which to file a petition to review the court of appeals' decision of April 15, 2002;

IT IS ORDERED that the motion is dismissed as moot. Among other untimely filings in this matter, Garry failed to timely appeal the September 19, 2001 circuit court order. He cannot cure that jurisdictional defect, in the court of appeals or here, by filing reconsideration motions. The clerk of this court is directed to place any further attempted filings from Garry into the closed file without response.

Cornelia G. Clark
Clerk of Supreme Court

APPENDIX (c)



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

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DISTRICT IV

April 15, 2002

To:

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Assistant Attorney General
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Madison, WI 53707-7857

You are hereby notified that the Court has entered the following opinion and order:

02-0099

Michael Garry v. Trane Company, et al. (L.C. # 01-CV-255)

Before Vergeront, P.J., Roggensack and Lundsten, JJ.

The appellant takes this appeal from an order denying reconsideration of a dismissal order. An appeal cannot be taken from an order denying a motion for reconsideration if the motion presents the same issues as those determined in the original order. *Silverton Enterprises v. General Casualty Co.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988). Upon review of the record and the party's jurisdiction briefs, we conclude that the appellant's reconsideration motion presented no issues beyond those he presented to the court in his original petition. Therefore,

IT IS ORDERED that the appeal is dismissed. *See id.*

*Cornelia G. Clark
Clerk of Court of Appeals*

APPENDIX (1)



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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DISTRICT IV

May 20, 2002

To:

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You are hereby notified that the Court has entered the following order:

02-0099

Michael Garry v. Trane Company and Wisconsin Labor and Industry
Review Commission (L.C. #01-CV-255)

Before Vergeront, Roggensack and Lundsten, JJ.

We have received correspondence from Appellant Michael Garry labeled as his "response" to the order dismissing his appeal for lack of jurisdiction. Because the letter explains why Garry disagrees with our decision, we will treat it as a motion for reconsideration. Nothing Garry has stated in the letter alters our view of the case, however. Therefore,

IT IS ORDERED that the motion for reconsideration is denied.

*Cornelia G. Clark
Clerk of Court of Appeals*

APPENDIX (D)