

---

ENVIRO QUIP, LLC,

Petitioner,

v.

Case No. 13-CV-386

WISCONSIN DEPARTMENT OF  
REVENUE,

Respondent.

Authenticated/Filed  
Ozaukee County Circuit

AUG 13 2014

---

**ORDER DISMISSING CASE WITH PREJUDICE**

Mary Lou Mueller  
Clerk of Circuit Court/  
Register in Probate

On August 8, 2014, the Court issued an Order to Show Cause directing petitioner Enviro Quip, LLC ("Enviro Quip") by counsel and in writing, to show cause why this matter should not be dismissed for failure to prosecute, failure to comply with the statutes governing procedure in civil actions, and failure to comply with the orders of the Court.

The Court has received no response from Enviro Quip to the August 8, 2014, Order to Show Cause.

The record of this case includes several other instances of Enviro Quip's failure to comply with the statutes governing procedure in civil actions or with orders of the Court, summarized as follows:

- On February 3, 2014, the Court verbally denied respondent Wisconsin Department of Revenue's ("DOR") Motion to Dismiss on grounds that the Court lacks competency to proceed.
- On February 12, <sup>2014</sup>2015; DOR filed a Motion for Reconsideration of the Court's February 3, 2014, order on DOR's Motion to Dismiss.
- The Court scheduled a March 5, 2014, hearing on the Motion for Reconsideration.

- At the March 5, 2014, hearing, D.J. Burns (“Mr. Burns”) appeared. No counsel appeared for Enviro Quip. Mr. Burns claimed not to have received notice of the hearing. The Court scheduled another hearing for June 23, 2014. The Court ordered that Enviro Quip must retain counsel by that hearing. Burns indicated that he would obtain counsel for Enviro Quip. The Court also ordered that counsel obtained by Enviro Quip by June 9, 2014, must submit a statement as to jurisdiction of the Court and response to DOR’s filings.
- No statement as to jurisdiction of the Court and response to DOR’s filings was submitted by June 9, 2014, nor was any statement or response subsequently filed.
- No attorney appeared for Enviro Quip at the June 23, 2014, hearing. Mr. Burns did not appear at the June 23, 2014, hearing. The Court indicated that it would review the statute and issue a written order.
- On June 23, 2014, the Court issued an Order to Show Cause. The Court ordered Enviro Quip, by counsel and in writing, to show cause on or before July 2, 2014, why this case should not be dismissed for failure to prosecute, failure to comply with the statutes governing procedure in civil actions, and failure to comply with orders of the Court.
- On July 1, 2014, Mr. Burns filed a letter stating:
 

I have made several efforts to obtain the services of an attorney to represent Enviro Quip, LLC in this matter (as you had instructed) but as of today [sic] have not been successful in my efforts to obtain an attorney as of yet. Therefore I am requesting that you provide me with an additional 45 days from the date of this letter to retain counsel.
- Enviro Quip did not respond to the June 23, 2014, Order to Show Cause.
- Enviro Quip has never appeared by counsel in this case.
- On July 7, 2014, DOR filed an objection to Mr. Burns’ July 1, 2014, request for an additional 45 days to obtain counsel for Enviro Quip.
- The Court has received no communications from Mr. Burns on anyone else on behalf of Enviro Quip since July 1, 2014.

THEREFORE, upon consideration of the record of this case and in particular Enviro Quip’s failure to respond to the Court’s August 8, 2014, Order to Show Cause, the Court hereby orders that: (1) the Court’s February 3, 2014, order denying DOR’s Motion to Dismiss is

~~withdrawn, and (2)~~ this case is dismissed on the merits with prejudice due to Enviro Quip's failure to prosecute, failure to comply with the statutes governing procedure in civil actions, and failure to comply with the orders of the Court.

It is further ordered that this order is a final order that disposes of the entire matter in litigation and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

SO ORDERED.

BY THE COURT:

Date: October 2, 2014

**/s/ Joseph W. Voiland**

\_\_\_\_\_  
THE HONORABLE JOSEPH W. VOILAND  
Circuit Court Judge, Branch 2