

APPENDIX

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**COURT OF APPEALS
DECISION
DATED AND FILED**

April 8, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See Wis. STAT. § 808.10 and RULE 809.62.

Appeal No. 2025AP2229

Cir. Ct. No. 2021FA47

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

IN RE THE MARRIAGE OF:

SARAH ANN FOX,

PETITIONER-RESPONDENT,

v.

MATHIEW RAE FOX,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Kenosha County:
HEATHER R. IVERSON, Judge. *Affirmed.*

¶1 LAZAR, J.¹ Mathiew Rae Fox pro se appeals from the circuit court order finding him in contempt of court for posting about his court case on social media platforms. Despite being ordered to do so, Sarah Ann Fox², now also pro se, has failed to file a response brief. This court may exercise its discretion and summarily reverse the circuit court provided it is determined that the respondent has abandoned the appeal, acted egregiously, or acted in bad faith. *Raz v. Brown*, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647; *see also State ex rel. Blackdeer v. Township of Levis*, 176 Wis. 2d 252, 259-60, 500 N.W.2d 339 (Ct. App. 1993). This, however, is a determination that may be made; it is not mandatory.

¶2 In this appeal, Mathiew has failed to establish a meritorious basis on his first issue, and on the remaining issues, has otherwise failed to provide coherent arguments supported by applicable legal authority and failed to cite to the Record. Accordingly, this court affirms the circuit court.

BACKGROUND

¶3 Mathiew and Sarah Ann divorced in June 2021. They share two children and received joint custody at the time of divorce. In November 2024, the circuit court granted Sarah sole legal custody as related to therapy and counseling for the children and primary physical placement of them temporarily, and it gave Mathiew supervised placement once per week.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

² This court refers to the parties by their first names because they share the same surname.

¶4 At a May 29, 2025 status conference, the children's guardian ad litem testified that Mathiew had posted videos about the court case online. The circuit court ordered that neither party was to post anything about the children on "social media of any type," and it issued a written order on June 9, 2025, stating "[t]hat the [c]ourt ... orders that neither party shall disseminate on any form of social media any information concerning this case or pictures and/or information concerning the minor children. This shall include Facebook, YouTube, X, Twitter, Snapchat, and all other forms of social media." At the hearing, the court and parties all acknowledged a prior court order³ that "there should be no discussion of the case[.]" And, Mathiew's counsel affirmed that "[h]e will abide by that. I'm sure he understands that that will be an absolute order"

¶5 In the interim, on June 2, 2025, Sarah filed a Motion for Contempt of Court alleging Mathiew had violated the social media ban and violated the placement order by attempting to deliver gifts to one of their children at her school. The circuit court heard this motion on June 11, 2025, where it found Mathiew in contempt of court for "willful and knowing disregard of court orders with respect to posting proceedings involving matters of the children."⁴ It ordered Mathiew to serve 180 days in the county jail to be stayed with purge conditions: he was to remove all content from social media involving the case or his children, he was to provide a sworn affidavit to the court within 72 hours that he removed all that content, he was not to visit his children's school or any location where the

³ It appears that the circuit court and parties were referring to an order dated November 27, 2024 and another dated January 30, 2025, but both orders seem to reference not discussing the case only with the children.

⁴ The circuit court did not find Mathiew in contempt for going to his child's school after he testified he did not make any attempt to communicate with the child.

children would be located other than for purposes of supervised visitation, and he was to pay attorney's fees for the hearing.

¶6 Mathiew pro se appeals this order.

DISCUSSION

¶7 Mathiew's first argument is that the contempt of court order against him stemmed from his conduct that preceded the circuit court's written social media order. He alleges that the May 29, 2025 oral ruling did not suffice to provide him notice, and that the June 11, 2025 contempt ruling should be reversed.

¶8 Contempt is "intentional ... [d]isobedience, resistance or obstruction of the authority, process or order of a court[.]" WIS. STAT. § 785.01(1)(b). This court reviews a circuit court's use of its contempt power for an erroneous exercise of discretion. *Frisch v. Henrichs*, 2007 WI 102, ¶29 n.13, 304 Wis. 2d 1, 736 N.W.2d 85. Thus, this court will uphold the circuit court's decision if it reflects a reasonable conclusion based on a logical interpretation of the facts, application of the proper legal standard, and a rational process. *Benn v. Benn*, 230 Wis. 2d 301, 308, 602 N.W.2d 65 (Ct. App. 1999). Factual findings relating to contempt will be upheld unless they are clearly erroneous. *See Kaminsky v. Milwaukee Acceptance Corp.*, 39 Wis. 2d 741, 746-47, 159 N.W.2d 643 (1968). The burden is on the potential contemnor to explain his failure to comply with a court order. *See id.* at 747.

¶9 Mathiew claims that the oral ruling pertained only to the dissemination of material online regarding his children, and that later the written order expanded the ban to any information concerning the case. Mathiew's claim fails. Mathiew testified at the June 11, 2025 contempt hearing that he posted a

video recording that included an audio recording from the May 29, 2025 hearing of the GAL sharing her recommendations concerning whether the placement order should be modified. The video recording clearly pertained to the children and was posted after the court orally ordered that neither party was to post anything about the children on social media.

¶10 Accordingly, this court concludes that the circuit court did not erroneously exercise its discretion by issuing a contempt of court ruling against Mathiew for his conduct.⁵

¶11 Mathiew next makes claims without developing coherent arguments that apply relevant legal authority to the facts of Record, and instead relies largely on conclusory assertions. He claims the circuit court's order banning him from posting "any information concerning th[e] case" is overbroad and violates his First Amendment right to free speech. *See* U.S. CONST. amend. I. He also claims that the purge condition that bans his visiting any location where his children are present but for when he has supervised visitation is an erroneous exercise of the court's discretion. "A party must do more than simply toss a bunch of concepts into the air with the hope that either the [appellate] court or the opposing party will

⁵ Mathiew claims that the circuit court erroneously imposed a jail term when it was a remedial, not punitive, contempt of court finding. He is mistaken. WISCONSIN STAT. § 785.04(1)(b) authorizes the sanction of imprisonment for remedial contempt of court where there is "[d]isobedience, resistance or obstruction of the authority, process or order of a court[.]" WIS. STAT. § 785.01(1)(b). "The imprisonment may extend only so long as the person is committing the contempt of court or 6 months, whichever is the shorter period." Sec. 785.04(1)(b).

arrange them into viable and fact-supported legal theories.”⁶ *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999).

¶12 Consequently, this court need not consider arguments that either are unsupported by adequate factual and legal citations or are otherwise undeveloped. *See Dieck v. Unified Sch. Dist. of Antigo*, 157 Wis. 2d 134, 148 n.9, 458 N.W.2d 565 (Ct. App. 1990) (unsupported factual assertions); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While this court makes some allowances for the failings of parties, who, as here, are not represented by counsel, this court “cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the Record to develop arguments for an appellant. *Jackson*, 229 Wis. 2d at 337.

¶13 With respect to the remaining issues, Mathiew’s brief fails to state coherent arguments supported by applicable legal authority. The brief also lacks citations to the relevant portions of the Record. Therefore, this court affirms the circuit court on the basis that Mathiew has failed to develop his second and remaining arguments legally or to support them factually.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

⁶ Any arguments that this court does not explicitly address are deemed denied. *See Libertarian Party of Wisconsin v. State*, 199 Wis. 2d 790, 801, 546 N.W.2d 424 (1996) (an appellate court need not discuss arguments that “lack sufficient merit to warrant individual attention.”).



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DISTRICT II

FILED

04-13-2026

CLERK OF WISCONSIN

COURT OF APPEALS

April 13, 2026

To:

Hon. Heather R. Iverson
Circuit Court Judge
Electronic Notice

Mathiew Rae Fox
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Sarah Ann Fox
10710-88th St.
Pleasant Prairie, WI 53158

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

2025AP2229

In re the marriage of: Sarah Ann Fox v. Mathiew Rae Fox
(L.C. # 2021FA47)

Before Lazar, J.

The appellant moves for reconsideration of the opinion entered April 8, 2026. WIS. STAT. RULE 809.24(1). The motion does not persuade us that reconsideration is warranted. Therefore,

IT IS ORDERED that the motion for reconsideration is denied. WIS. STAT. RULE 809.24(2).

Samuel A. Christensen
Clerk of Court of Appeals

Supreme Court of WisconsinFILED
08-18-2026
CLERK OF WISCONSIN
SUPREME COURT

No. 2025AP2229

Fox v. Fox

L.C.#2021FA47

August 18, 2026

The Court has entered the following order:

A petition for review pursuant to WIS. STAT. § 808.10 having been filed on behalf of respondent-appellant-petitioner, Mathiew Rae Fox, pro se, and considered by this court;

IT IS ORDERED that the petition for review is denied, without costs.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:

Hon. Heather R. Iverson (Electronic Notice)
Rebecca Matoska-Mentink, Clerk of Circuit Court (Electronic Notice)
Mathiew Rae Fox (Electronic Notice)
Sarah Ann Fox (U.S. Mail)

FILED
08-01-2025
Clerk of Circuit Court
Kenosha County
2021FA000047

DATE SIGNED: August 1, 2025

Electronically signed by Heather Iverson
Circuit Court Judge

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY
FAMILY COURT BRANCH

In re the marriage of:

SARAH ANN FOX,
Petitioner,

File # 2021-FA-47

and,

Honorable HEATHER IVERSON

MATHIEW RAE FOX,
Respondent.

Code 40101

ORDER AND FINDING OF CONTEMPT

The above-entitled matter came on for a hearing before the court on June 11, 2025. The Petitioner, SARAH ANN FOX, appeared in person with her counsel, Attorney THOMAS W. ANDERSON JR.; the Respondent, MATHIEW RAE FOX, appeared in person with his counsel, Attorney MARY A. LOSEY. Attorney STEPHANIE R. McINTOSH appeared as Guardian ad Litem for the minor children.

Based upon all records, files, testimony, arguments of counsel, and proceedings the court made the following findings and order:

1. That this matter comes on the Petitioner's motion and finding of contempt against the Respondent for alleged violations of the court's order file stamped on June 9, 2025 for the hearing which occurred on May 29, 2025.
2. That the court does not find the Respondent in contempt of court for his actions related to his attempt to provide gifts to the minor daughter at her school.
3. That the court does find the Respondent in contempt of court for his disobeying of the court's order concerning the posting of additional materials concerning this case on social media platforms. The court finds that the Respondent's argument that the postings were to be on his private social media versus his public social media to be irrelevant as the court ordered that there shall be no social media posts whatsoever.
4. That the court therefore orders that the Respondent is found in contempt of court and imposes a jail sentence of 180 days in the Kenosha County Jail. That sentence is stayed with the Respondent having the right to purge himself from that contempt finding as follows:
 - a. By removing all social media content concerning this case within twenty-four (24) hours.
 - b. By providing proof via sworn affidavit within seven (7) days that he has removed all social media posts and will continue to not have any social media posts whatsoever concerning this case.

c. That the Respondent not visit the school or any other location where the children are unless it is court ordered supervised placement.

d. Paying to the Petitioner's counsel attorney's fees and costs related to this hearing which shall be done within sixty (60) days after the filing of the Petitioner's Affidavit regarding attorney's fees. The Petitioner shall provide an affidavit of the cost associated with this hearing within sixty (60) days of this hearing.

5. That Attorney Anderson shall draft the order from this hearing.

APPROVED AS TO FORM
AND CONTENT BY:

Attorney MARY A. LOSEY
Attorney for the Respondent
State Bar No. 1017420

APPROVED AS TO FORM
AND CONTENT BY:

Attorney STEPHANIE R. McINTOSH
Attorney for E. R. F. & M. R. F.
State Bar No. 1115810

FILED
06-09-2025
Clerk of Circuit Court
Kenosha County
2021FA000047

DATE SIGNED: June 9, 2025

Electronically signed by Heather Iverson
Circuit Court Judge

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY
FAMILY COURT BRANCH

In re the marriage of:

SARAH ANN FOX,
Petitioner,

Case # 2021-FA-47

and

Honorable HEATHER IVERSON

MATHIEW RAE FOX,
Respondent.

Code 40101

ORDER

The above-entitled matter came on for hearing before the Court on May 29, 2025. The Petitioner, SARAH ANN FOX, appeared in person with her counsel, Attorney THOMAS W. ANDERSON JR.; the Respondent, MATHIEW RAE FOX, appeared in person with his counsel, Attorney MARY A. LOSEY. Attorney STEPHANIE McINTOSH appeared as Guardian ad Litem for the parties' minor children.

Based upon all records, files, proceedings, and arguments of counsel, the Court made the following findings and order:

1. This matter comes on for another review date concerning the current temporary orders regarding this case, which has been pending and was previously scheduled for trial.

2. That the case was originally continued and the original trial date rescheduled at the Respondent's request to obtain a custody evaluation with a psychologist.

3. That the Respondent's counsel has indicated that the Respondent has not pursued the evaluation and no evaluation would be forthcoming from the Respondent or his counsel.

4. That the Guardian ad Litem gave an updated report and recommendation as to the situation with supervised placement and additional reports of the Respondent engaging in a significant amount of dissemination of information about the case, including the Guardian ad Litem, through social media, including YouTube.

5. That the Guardian ad Litem also indicated that there have been some further inappropriate comments on issues related to the supervised visitation, however, the children are not having any significant issues with trauma related to the visits and appear to be happy to spend time with the Respondent Father.

6. That both children remain in counseling.

7. That the Guardian ad Litem made a recommendation to eliminate the supervised visitation after taking into consideration all circumstances, including the recommendations of the children's counselor.

8. That the Court believes, based on the information provided at this point, that it is the Respondent's actions, particularly related to the dissemination of information on social media and the indications that he ultimately intends to provide all the information concerning the nature of this case of his children, that there needs to be continued supervision.

9. That the Court therefore orders that the current orders of the Court which provide for supervised visitation will continue.

10. That the Court further orders that neither party shall disseminate on any form of social media any information concerning this case or pictures and/or information concerning the minor children. This shall include Facebook, YouTube, X, Twitter, Snapchat, and all other forms of social media.

11. That the parties shall both be required to take down any such pictures or information on any social media site within forty-eight (48) hours from the time of the hearing.

12. That both parties shall continue to refrain from discussing anything related to this case with the minor children.

13. That this matter is scheduled for another review date on June 26, 2025 at 8:00 a.m., and is hereby scheduled for trial before the Court for two (2) days commencing on September 29, 2025 at 8:30 a.m. (currently scheduled for two-day (2-day) trial).

APPROVED AS TO FORM
AND CONTENT BY:

Attorney Mary Losey

1b eg835Aue8AqVr28DQgrobAM5

Attorney Mary A. Losey
Attorney for the Respondent
State Bar No. 1017420

APPROVED AS TO FORM
AND CONTENT BY:

Stephanie R. McIntosh

Attorney Stephanie R. McIntosh
Guardian ad Litem for E. F. & M. F.
State Bar No. 1115810

eSignature Details

Signer ID:	eg835Au6MJgVr28GQgrc6sM5
Signed by:	Mary Losey
Sent to email:	newfamily2003@yahoo.com
IP Address:	65.28.42.160
Signed at:	Jun 6 2025, 5:06 pm CDT

FILED

08-14-2025

Clerk of Circuit Court

KENOSHA COUNTY

2021FA000047

STATE OF WISCONSIN

CIRCUIT COURT

BRANCH 3

IN RE THE MARRIAGE OF SARAH ANN FOX
AND MATHIEW RAE FOX.

Case No. 21-FA-47

STATUS CONFERENCE
(Digitally Recorded)

May 29th, 2025

Before the HONORABLE HEATHER IVERSON
Circuit Court Judge Presiding

Kenosha County Courthouse

912 56th St

Kenosha, WI 53140

Recorded and Transcribed by:
ELIZABETH DIFRANCES, Official Court Reporter
liz.difrances@wicourts.gov
262-653-2820

1 MR. ANDERSON: I'm sorry.

2 THE COURT: I'm going to ask you to draft this order.
3 So no social media. No YouTube. No web pages. Any form of
4 that variety. No X. No Instagram. No anything for both
5 parties. If there's any up now, they are to be taken down
6 within 48 hours for both parties.

7 Is there any way to expand Mr. Fox's placement time with
8 the children supervised, Attorney Losey, that you can think of?

9 MS. LOSEY: The only thing I can think of would be a
10 modification of that, which would be a public place, like, for
11 example, the McDonald's, where you could have a parent, the
12 mother for example, could be sitting outside. You can see
13 inside. You know, you have a perfect view.

14 THE COURT: You can't hear, though. That's the
15 bigger problem at this point. Court remains that the order of
16 the court is neither party shall discuss this case with the
17 children. All other orders not amended by this order today
18 will remain in place. And we're going to set this for trial as
19 soon as we can.

20 THE CLERK: Is it going to be a full day or half day?

21 THE COURT: Oh, I think at least a full day. We
22 expecting more, two days.

23 MS. LOSEY: I'm going to guess.

24 THE COURT: Two days.

25 MS. MCINTOSH: And I'm out starting July 11th.

1 MR. FOX: Iran.

2 Ms. LOSEY: Iran. Iran. So I don't know.

3 THE COURT: I think they said stepfather.

4 MS. LOSEY: Oh, I apologize. I thought he said
5 father.

6 MR. ANDERSON: Mother and stepfather.

7 THE COURT: So this Court was looking for a way to
8 extend time with the father. This Court does not believe it's
9 appropriate at this time to have unsupervised visits based on
10 the history of Mr. Fox. This Court is seriously concerned with
11 what's been alleged and the behavior of Mr. Fox at this time.
12 I was looking to expand the amount of time that Mr. Fox could
13 have with the children, but I still believe it's in the best
14 interest of the children to have supervised visitation at this
15 time as Mr. Fox does not seem capable of controlling himself.

16 I will enter a couple orders that neither party is to post
17 anything about the children on Facebook. That includes videos,
18 photos, audios, anything. The children are off limits when it
19 comes to Facebook or social media of any type, both parties.

20 MS. MCINTOSH: I would ask that that specifically
21 include YouTube as there is a YouTube page.

22 THE COURT: YouTube as well. Take it down, both
23 parties. No social media. No web pages. No YouTube.

24 Attorney Anderson, I'm going to ask that you draft this
25 order so.

FILED

08-14-2025

Clerk of Circuit Court

KENOSHA COUNTY

2021FA000047

STATE OF WISCONSIN

CIRCUIT COURT

BRANCH 3

IN RE THE MARRIAGE OF SARAH ANN FOX
AND MATHIEW RAE FOX.

Case No. 21-FA-47

MOTION HEARING
(Digitally Recorded)

June 11th, 2025

Before the HONORABLE HEATHER IVERSON
Circuit Court Judge Presiding

Kenosha County Courthouse

912 56th St

Kenosha, WI 53140

Recorded and Transcribed by:
ELIZABETH DIFRANCES, Official Court Reporter
liz.difrances@wicourts.gov
262-653-2820

19a

APPENDIX F

1 makes the following findings. This Court does not find
2 Mr. Fox's contempt for going to the school, although by the
3 skin of the teeth, that is not a finding of contempt. This
4 Court does find a willful and knowing disregard of court orders
5 with respect to posting proceedings involving matters of the
6 children.

7 There was no delineation between public and private. The
8 order was that the court orders that neither party shall
9 disseminate any form of social media, any information
10 concerning this case or pictures and, or information concerning
11 the minor children. This shall include YouTube, X, Twitter,
12 Snapchat, and all other forms of social media. Nowhere does
13 this order delineate between public and private.

14 Court orders 180 days in the Kenosha County Jail to be
15 stayed with the following purge conditions: removing all
16 content of any type in any form of social media or on the
17 Internet in any sites or locations involving court proceedings
18 or children; proof of removal of these videos and or any
19 information is to be provided to this Court in the form of a
20 sworn affidavit within 72 hours; Mr. Fox is not to visit the
21 children's school; Mr. Fox is not to visit any location in
22 which the children would be located other than for purposes of
23 his supervised visitation; Mr. Fox is also ordered to pay
24 attorney's fees for today's hearing.

25 Attorney Anderson, you'll upload an affidavit to the court

1 files with what those expenses are for today. Those are to be
2 paid within 60 days of today's hearing. Any other requests
3 Attorney Anderson?

4 MR. ANDERSON: Thank you.

5 MS. LOSEY: If I can have one second, Your Honor?

6 THE COURT: Yes.

7 Attorney Anderson, you'll draft.

8 MR. ANDERSON: I will.

9 THE COURT: Thank you.

10 THE CLERK: Attorney's fees (indiscernible) in 60
11 days.

12 THE COURT: Paid within 60 days, yes.

13 Mr. Fox, do you understand the orders that this court has
14 entered?

15 MR. FOX: I haven't had a chance to -- I'm listening,
16 yes.

17 THE COURT: Do you understand the court orders?
18 Would you like me to restate them?

19 MR. FOX: Yes, ma'am. Please.

20 THE COURT: I ordered you to 180 days in the Kenosha
21 County Jail. That sentence is stayed and I've given you purge
22 conditions. Which means you can absolve yourself of that 180
23 days by doing the following things: --

24 MR. FOX: Okay.

25 THE COURT: -- remove all content of any type, in any

1 form, online or any other source involving court proceedings or
2 the children. Are you clear on that matter?

3 MR. FOX: Yes, ma'am.

4 THE COURT: Provide proof of removal of that in the
5 form of a sworn affidavit to this court within 72 hours. Do
6 you understand that?

7 MR. FOX: Yes, ma'am.

8 THE COURT: That you are not to visit the children's
9 school. Do you understand that?

10 MR. FOX: Yes, ma'am.

11 THE COURT: That you are not to visit any location in
12 which the children would be located other than for your
13 supervised visitations. Do you understand that?

14 MR. FOX: Yes, ma'am.

15 THE COURT: That you have to pay attorney Anderson's
16 attorney fees which he will upload by affidavit to the court
17 record, court file, and those are to be paid within 60 days of
18 today's hearing. Do you understand that?

19 MR. FOX: Yes, ma'am.

20 THE COURT: Do you understand that if you fail to
21 follow these orders, you could be put in the Kenosha county
22 jail for that 180 days in full. Do you also understand that
23 should you continue to violate the court orders, this court
24 could also, in addition to what it's just ordered, take away
25 your supervised placement?

APPENDIX F

1 MR. FOX: Yes, ma'am.

2 THE COURT: Have I been crystal clear?

3 MR. FOX: Crystal.

4 THE COURT: Thank you.

5 MS. LOSEY: Your Honor?

6 THE COURT: Yes, Attorney Losey.

7 MS. LOSEY: I apologize. I understand the court

8 wants them taken down immediately and an affidavit within --

9 THE COURT: 72 hours.

10 MS. LOSEY: 72 hours. Can we possibly have until

11 Monday at 5:00, only because it's going to be difficult to get

12 him -- draft and affidavit, get him to sign it, get it back up

13 and then get it disseminated?

14 THE COURT: I will slightly change the order. The

15 content is to be removed within 24 hours. An affidavit

16 provided to this Court within seven days.

17 MS. LOSEY: That's fine. Thank you.

18 THE COURT: Do you understand, sir, that means within

19 24 hours, everything comes off the web.

20 MR. FOX: Like you said, crystal.

21 THE COURT: Thank you.

22 All right. We'll see everybody back here on September

23 29th at 8:30 for the court trial.

24 Attorney Losey, are you asking to move Respondent's

25 Exhibits 2 and 3 into the record?

APPENDIX F

ISSUES PRESENTED

I. Predicate Order / Timing

Can civil contempt stand where the only contemporaneous directive on May 29, 2025 was an oral, children-only admonition with drafting delegated to counsel, Petitioner filed contempt on June 2, and the first written order (broadening to “any information concerning this case”) was not filed until June 9, then not signed until August 1 after a July 24 ex parte letter to chambers?

Trial court: effectively yes.

Appellant: no. Civil remedial contempt under WIS. STAT. ch. 785 requires a clear, specific order in effect at the time of the alleged violation and a present ability to purge; a later, broadened written order cannot retroactively supply the predicate. Frisch, 2007 WI 102, ¶¶32–36, 42–45; WIS. STAT. §§ 785.01–.04; Cook, 208 Wis. 2d at 189.

II. Prior Restraint / Overbreadth

Is a blanket ban on “any information concerning this case,” with a 48-hour purge of “all content,” an unconstitutional prior restraint where the May 29 oral limit was about child-identifying content and Appellant’s submissions were non-public oversight communications already taken down or set to private?

Trial court: enforced the blanket restraint.

Appellant: unconstitutional. The categorical gag on all “information concerning this case” is facially overbroad and not narrowly tailored to child-protection interests. Kindschy, 2024 WI 27, ¶¶32–44; Packingham, 582 U.S. at 104–08; Counterman, 600 U.S. at 72–78; Krasno, No. 22-3170.

III. Sanctions Character (Remedial vs. Punitive)

Do the combined measures—global purge of “all content,” school/event bans, fees within 60 days, backed by a stayed 180-day jail term—operate punitively rather than remedially under ch. 785 where they are not tied to a narrow purge path enforcing a clear, pre-existing order?

Trial court: imposed.

Appellant: punitive; must be vacated. Remedial sanctions must coerce compliance and include a feasible purge; punitive measures require criminal contempt process. Frisch, 2007 WI 102, ¶¶42–45; WIS. STAT. § 785.04.

IV. Best-Interests Nexus

May categorical school/event bans be imposed through a contempt order without § 767.41(5) best-interests findings, especially where the court did not find contempt concerning the school episode and the record supported less-restrictive options?

STATEMENT OF THE CASE AND FACTS**I. May 29, 2025 (Status).**

The court orally barred both parties from posting about the children on social media (photos/videos/audio), directed Attorney Anderson to draft an order, and required removal of such content within 48 hours. No written order issued that day. R.156:13–14; Tr. 5/29/2025 at 13–14.

II. June 2, 2025.

Petitioner filed a motion for contempt before any signed written order existed reflecting or expanding the May 29 remarks. App. A-8:A-39 (docket entry identifying contempt filing).

III. June 9, 2025.

A written order was filed that, for the first time, used broadened language referring to “any information concerning this case” and imposed a 48-hour takedown requirement. R.112:2 (¶¶10–11), ¶12.

IV. June 11, 2025 (Contempt hearing).

Counsel relied on the broadened Paragraph 10. R.157:3.

The court read CR 1-6 into the record, adopted it for the proceeding, and ordered device collection. R.157:6.

The court imposed a stayed 180-day jail term; ordered removal of “all content” concerning court proceedings or the children from “any online sites,” with affidavit; ordered fees within 60 days; and imposed school/event bans. R.157:31–33.

The court stated the school incident was not contempt. R.157:31; App. A-4:A-13.

Appellant testified that his communications were directed to oversight bodies (OLR, Judicial Commission, Supreme Court, legislators) and that public videos had been removed or set to private consistent with the court’s directive. R.157:23–26.

V. June 13 and 16, 2025.

Petitioner filed an Affidavit of Attorney Fees (June 13).

Appellant filed an Affidavit of Compliance (June 16) confirming timely removal. App. A-6:A-35; App. A-5:A-34.

VI. July 24, 2025 to August 1, 2025.

On July 24, counsel sent an ex parte letter to chambers urging signature of a proposed order. On August 1, the court signed the “Order and Finding of Contempt,” more than seven weeks after the hearing. App. A-7:A-38; App. A-1:A-1; R.151:1.

VII. Post-Order Motions Addressing Contempt and Sanctions.

ARGUMENT

I. No clear, written, and entered predicate order existed when contempt was pursued; the later broadened writing cannot be enforced retroactively.

Civil remedial contempt requires a prior, clear, and specific order in effect when the alleged violation occurs, and a present ability to purge. Frisch, 2007 WI 102, ¶¶32–36; WIS. STAT. §§ 785.01–.04.

On May 29 the court gave oral, children-focused remarks and delegated drafting. Petitioner filed contempt June 2 before entry of any written order. The June 9 order broadened the scope to “any information concerning this case” and formalized purge terms.

A contempt finding cannot rest on an unwritten standard later replaced with a materially different written order. Applying the June 9 language to earlier conduct is an impermissible retroactive expansion, inconsistent with ch. 785.

Remedy: Reverse the contempt adjudication.

II. The global “any information concerning this case” restraint is an unconstitutional prior restraint and overbroad compared to the May 29 child-privacy limit.

The May 29 remarks addressed child-related posts. The June 9 order and June 11 enforcement extended to “any information concerning this case” and imposed a 48-hour purge of “all content” about the proceedings or the children.

That language reaches non-identifying commentary, criticism of court actors, and communications to oversight entities. It is content-based and prior in nature.

Content-based restraints are presumptively unconstitutional and must be narrowly tailored to a compelling interest. Kindschy, 2024 WI 27, ¶¶32–44; Packingham, 582 U.S. at 104–08.

Counterman confirms that only true threats with the requisite mental state fall outside protection, narrowing permissible restrictions. 600 U.S. at 72–78. Krasno holds that government actors cannot deploy broad moderation rules to silence protected criticism in official online fora.

The order here is not limited to protecting child privacy or enforcing sealing. It is a blanket ban on case-related speech and functions as an overbroad prior restraint.

Even if the court sought to justify the gag as protecting the children, the record contains no specific findings that Appellant’s non-public oversight communications or prior commentary caused or threatened irreparable harm. The May 29 remarks were limited to child-identifying posts; there is no evidence that non-identifying case discussion or confidential complaints to oversight bodies endangered the children’s emotional or physical well-being. A prior restraint cannot rest on generalized discomfort with criticism or speculative harm; it requires concrete,

imminent harm and narrow tailoring, which are absent. See *Kindschy*, 2024 WI 27, ¶¶32–44; *Packingham*, 582 U.S. at 104–08; *Counterman*, 600 U.S. at 72–78.

Remedy: Vacate the “any information concerning this case” restraint and all purge provisions based on it.

III. The sanctions package is punitive, not remedial, contrary to WIS. STAT. ch. 785.

Under WIS. STAT. § 785.04(1), remedial sanctions must be coercive and purgeable. Punitive sanctions require criminal contempt procedures.

The court imposed:

- a stayed 180-day jail term;
- a sweeping purge of “all content” about proceedings or the children;
- a 60-day fee payment;
- school/event bans.

These sanctions are not closely tied to enforcing a clear, pre-existing order. They operate as penalties for past speech and impose independent disabilities.

Appellant’s Affidavit of Compliance and subsequent motions (App. A-9:A47, R.139; App. A-10:A52, R.140; App. A-11:A59, R.153–154; App. A-12:A65, R.168; App. A-13:A76, R.171) show efforts to comply and to clarify. The absence of corrective relief underscores the fixed, punitive character of the sanctions.

Recent unpublished authored authority confirms that Wisconsin courts enforce statutory frameworks governing access and conditions as written. *Griswold v. Miles*, No. 2024AP2614, unpublished op. (Wis. Ct. App. Aug. 14, 2025) (Dist. IV), applies WIS. STAT. § 814.29 as enacted and reflects that courts may not construct ad hoc punitive regimes outside statutory authority. The sanctions here likewise exceed remedial aims and are invalid under ch. 785.

Remedy: Vacate the stayed jail term, purge conditions, fee award, and school/event bans.

IV. The school/event prohibitions lack a § 767.41(5) best-interests nexus, contradict the record, and aggravate alienation.

WIS. STAT. § 767.41(5) requires specific best-interests findings for placement and access restrictions.

The court: