No. 23 - ____

IN THE

Supreme Court of the United States

MATHIEW RAE FOX,
Petitioner,

v.

ALEXANDRA K. SMATHERS,
JUDGE HEATHER IVERSON,
THOMAS W. ANDERSON JR.,
HOLLIE ELIZABETH WHITE,
SARAH ANN FOX (Sarah Ann Kukowski),
PATHWAYS CONSULTING,
PROFESSIONAL SERVICES GROUP,
Respondents.

On Petition for a Writ of Certiorari Before Judgment
to the United States Court of Appeals for the Seventh Circuit (26-2694)

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT

Mathiew Rae Fox
Petitioner, pro se
2726 83rd Street
Kenosha, Wisconsin 53143
(262) 203-3109
mathiew.fox@gmail.com

CONTENTS OF APPENDIX

Petition references use printed petition page numbers. District-court docket citations refer to No. 2:26-cv-00797-BHL unless otherwise stated. Repeated citations refer to the same reproduced document.

Dismissal order 1a-17a
E.D. Wis. 2:26-cv-00797-BHL, Dkt. 60; July 15, 2026
Petition: 1, 4-5, 14-15, 18-19, 21, 24, 30-36.

Civil judgment 18a
E.D. Wis. 2:26-cv-00797-BHL, Dkt. 61; July 15, 2026
Petition: 1-2.

Jurisdiction and briefing order 19a-20a
Seventh Circuit 26-2694, Dkt. 4; August 18, 2026
Petition: 1-2, 20.

Postjudgment order and filing restriction 21a-33a
E.D. Wis. 2:26-cv-00797-BHL, Dkt. 77; October 9, 2026
Petition: ii-iii, 1-2, 14-17, 20-21, 34-37.

CONTENTS OF APPENDIX (continued)

Companion-case postjudgment order 34a-44a
E.D. Wis. 2:26-cv-00772-BHL, Dkt. 46; October 9, 2026
Petition: ii-iii, 16.

Constitutional, statutory, and rule provisions 45a-53a
U.S. Const. amends. I and XIV, § 1; 42 U.S.C. § 1983; 28 U.S.C. §§ 1254(1), 1331, 1343(a)(3), 2101(e), 2107(a), (c); Fed. R. App. P. 4(a)(5); Fed. R. Civ. P. 11, 60(b)(6), 62.1; Supreme Court Rule 11
Petition: 3.

Civil-rights complaint 54a-107a
E.D. Wis. 2:26-cv-00797-BHL, Dkt. 1; filed May 5, 2026
Petition: ii, 4-6, 9-12, 19, 22-23, 25, 27-28, 30-32, 35-36.

Counsel / prosecutor correspondence 108a-118a
2025CF001639; August 2026.
Includes the exchange cited through Dkt. 75-2, p. 5.
Petition: 11, 26, 33, 35.

CONTENTS OF APPENDIX (continued)

Motion in limine to exclude White's testimony 119a-127a
2021FA000047, Doc. 201; corresponding record citation: Dkt. 14-1, pp. 155-159
Petition: 9.

Motion to quash White subpoena 128a-135a
2021FA000047, Doc. 203; corresponding record citation: Dkt. 14-1, pp. 147-151
Petition: 9.

Family-court trial exhibit list - excerpt 136a
2021FA000047, Doc. 221; Dkt. 31-1, p. 3; entries P14-P16
Petition: 10.

Preservation notice 137a-138a
July 28, 2025; Dkt. 14-1, p. 192
Petition: 7.

Historical criminal docket snapshot - excerpts 139a-143a
2025CF001639; snapshot September 21, 2026, 3:25 AM; Dkt. 75-2, pp. 7-9
Petition: 11-12.

PSG records-request correspondence 144a-154a
Dkt. 75-2, pp. 19-23; selected records-request correspondence
Petition: 13, 27.

CONTENTS OF APPENDIX (continued)

PSG records-denial letter 155a
September 3, 2026; Dkt. 75-2, p. 24
Petition: 13, 25, 27-28, 33-35.

September police reports 156a-159a
Dkt. 75-2, pp. 25 and 27; visible excerpts
Petition: 8, 25, 27-28, 33-35.

Pathways correspondence 160a-165a
Dkt. 75-2, pp. 30-34; duplicate August 27 email reproduced once
Petition: 8.

July 31 police supplement 166a-167a
Dkt. 75-2, p. 44; duplicate report at Dkt. 14-1, p. 191
Petition: 7, 11, 25, 27-28.

August 7-8 police reports 168a-173a
Dkt. 75-2, pp. 46, 48-49; visible excerpts
Petition: 7-8, 11, 25-28.

Anderson / White hearing exchange 174a-176a
2021FA000047, Doc. 193, transcript pp. 14-16; Dkt. 38-1, pp. 1-3
Petition: 9, 25, 28.

Trial testimony excerpts 177a-181a
2021FA000047, Doc. 312, transcript pp. 39-40, 65, 175
Petition: 9-10, 25-26, 28, 36.

CONTENTS OF APPENDIX (continued)

Amended information 182a-185a
2025CF001639, Doc. 42, pp. 1-2
Petition: 11.

Recording transcript - cited excerpts 186a-187a
Dkt. 53-2, pp. 37-38; unrelated text and editorial footnotes omitted
Petition: 28-29 & n.3.

Records-access submission 188a-193a
2021FA000047, Doc. 502, pp. 1-4;
Dkt. 53-2, pp. 191-194
Petition: 12, 27.

GPS screenshot - Exhibit V-2 194a
Dkt. 55-2, p. 4; image rotated with top facing left
Petition: 29 & n.3.

GPS screenshot - Exhibit V-3 195a
Dkt. 55-2, p. 5; image rotated with top facing left
Petition: 29 & n.3.

Appeal docket filing chronology excerpt 196a
Dkt. 55-2, p. 6; Exhibit W-1;
2025AP2492 (source annotation)
Petition: 26 n.2.

CONTENTS OF APPENDIX (continued)

Criminal docket filing chronology excerpt 197a
Dkt. 55-2, p. 7; Exhibit W-2; 25CF1639 (source annotation)
Petition: 26 n.2.

Public Iverson complaint-form excerpt 198a
Dkt. 1-5, p. 2; entered form fields only
Petition: 29 n.3 (attachment context).

Family-court docket excerpts 199a-210a
2021FA000047, docket PDF pp. 2, 4-6; printed November 1, 2026
Petition: 12-13, 20-21 (later chronology snapshot).

Proposed first amended and supplemental complaint 211a-230a
Dkt. 75-1; filed September 22, 2026
Petition: 13, 32-34.

Rule 60(b)(6) / Rule 62.1 motion 231a-249a
Dkt. 75; filed September 22, 2026
Petition: 13-14, 16, 34-36.

Declaration supporting Rule 60 / Rule 62.1 motion 250a-254a
Dkt. 76; filed September 22, 2026
Petition: 13, 36.

Motion to extend time to appeal 255a-259a
Dkt. 68; filed August 21, 2026
Petition: 2, 20.

CONTENTS OF APPENDIX (continued)

Declaration supporting appeal extension 260a-262a
Dkt. 69; filed August 21, 2026
Petition: 2, 20.

Jurisdictional memorandum excerpts 263a-264a
Seventh Circuit 26-2694, Dkt. 9, pp. 9-10
Petition: 1-2, 20.

Opposition to White / Pathways motion to dismiss 265a-282a
Dkt. 38; filed June 17, 2026
Petition: 9-10, 24-26, 28, 32, 35-36.

Verified Rule 11 response and declaration 283a-302a
Dkt. 62; filed July 20, 2026
Petition: 15.

Parental-context letter excerpts 303a-307a
Dkt. 54, pp. 5-7; filed July 9, 2026
Petition: 16-17.

Declined proposed records-access order 308a-313a
2021FA000047, Doc. 559; Dkt. 75-2, pp. 10-13
Petition: 12-13, 27.

CONTENTS OF APPENDIX (continued)

Electronic decline of proposed order 314a
2021FA000047, Doc. 521, cover excerpt; Dkt. 75-2, p. 14
Petition: 12-13, 27.

Further trial testimony excerpts 315a-328a
2021FA000047, Doc. 312, transcript pp. 159-160, 171-174, 176-179; original line numbers retained
Petition: 9-10, 25-26, 28, 36.

[Original page 1]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 1 of 9
Document 60

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

MATHIEW RAE FOX,

Plaintiff,

Case No. 26-cv-0797-bhl

v.

ALEXANDRA K. SMATHERS, et al,

Defendants.

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS AND DENYING PLAINTIFF'S MOTIONS

On May 5, 2026, Plaintiff Mathiew Rae Fox, proceeding without an attorney, filed a complaint against a number of defendants who were involved in a state court custody dispute: Court Commissioner Alexandra Smathers, Judge Heather Iverson, Attorney Thomas Anderson Jr., Hollie Elizabeth White, Sarah Ann Fox (Sarah Ann), Lora Reinders, Pathways Consulting, and Professional Services Group.[1]

---

1 Fox also filed a very similar case against many of the same defendants. *See Fox v. Iverson*, No. 26-cv-0772-BHL, ECF No. 1 (E. D. Wis. April 30, 2026).

(ECF No. 1.) Fox's complaint arises from a state court contempt order entered against him in that custody dispute. *See In re the Marriage of Sarah Ann Fox & Mathiew Rae Fox*, Kenosha Cnty Case No. 2021FA000047, https://wcca.wicourts.gov/ (last visited July 15, 2026). Defendant Sarah Ann is the children's mother and was awarded custody of the children, Defendant Anderson is Sarah Ann's lawyer, Defendant Judge Iverson is the presiding Judge who issued the contempt order, Defendant Smathers is a Kenosha County Court Commissioner who oversaw part of the custody case, and Defendant White was a hearing witness. (ECF No. 1 ¶¶25–47.) Defendant Lora Reinders is the clinical director of Defendant Pathways Consulting, and both Pathways Consulting and Professional Services Group are therapy providers. (*Id.* ¶¶48–52; ECF No. 1-3 at 2.) Fox is also the defendant in a criminal case that charges him with, among other things, stalking White. *Wisconsin v. Fox*, Kenosha Cnty. Case No. 2025CF001639, https://wcca.wicourts.gov/ (last visited July 15, 2026).

[Original page 2]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 2 of 9
Document 60

Fox's allegations concern a contempt order that Judge Iverson entered against him in the custody proceeding, and the Court's response to his conduct regarding the children's therapists. *See In re the Marriage of Sarah Ann Fox & Mathiew Rae Fox*, Kenosha Cnty Case No. 2021FA000047; (ECF No. 1). Fox challenged the contempt order in state court, but

the order was affirmed by the Wisconsin Court of Appeals. *Fox v. Fox*, 2025AP002229, https://wscca.wicourts.gov/ (last visited July 15, 2026). Fox also petitioned the Wisconsin Supreme Court for a supervisory writ, and that request was denied. *Fox v. Cir. Ct. for Kenosha Cnty.*, 2026AP000586, https://wscca.wicourts.gov/ (last visited July 15, 2026). Against that backdrop, Fox's complaint attempts to raise five claims, all under 42 U.S.C. §1983. (ECF No. 1 ¶¶282–331.)

Pending before the Court are a series of motions. Judge Iverson has filed a motion to dismiss, raising issues of judicial immunity, the *Rooker-Feldman* doctrine, *Younger* abstention, absolute and qualified immunity, and the domestic relations exception to federal jurisdiction. (ECF Nos. 6 & 7.) Smathers has also filed a motion to dismiss raising similar arguments. (ECF Nos. 19 & 20.) Pathways Consulting, White, and Professional Services Group also filed motions to dismiss raising similar arguments. (ECF Nos. 23, 24, 34 & 35.)

Because the *Rooker-Feldman* doctrine, domestic relations exception to federal jurisdiction, and *Younger* abstention doctrine preclude this Court from hearing Fox's claims, the Court will dismiss the complaint without prejudice and without leave to amend. Further, because the Court suspects Fox filed this case for an improper purpose, the Court will order Fox to show cause in writing why he should not be sanctioned for violating Federal Rule of Civil Procedure 11. Fox's motion to establish a service procedure, motions for leave to file sur-replies to

Defendants' reply briefs, and motion for leave to file supplemental exhibits, will be denied. (ECF Nos. 37, 44, 53, 57, 58, & 59.) Defendant's motion to seal exhibits will be denied, as he has not shown good cause to seal the exhibits. (ECF No. 55.)

FACTUAL ALLEGATIONS

Plaintiff Mathiew Rae Fox is the parent of two children. (ECF No. 1 ¶23.) Sarah Ann, the children's mother, has custody over them. (*Id.* ¶¶44, 183.) These parties have litigated their divorce and child custody arrangement in *In re the Marriage of Sarah Ann Fox & Mathiew Rae Fox*, Kenosha Cnty. Case No. 2021FA000047. In that case, Judge Iverson issued an order that prohibited the parties from sharing information about the case or the children on social media. *Id.*

[Original page 3]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 3 of 9
Document 60

At some point, Sarah Fox took her children to mental health counselors at Pathways Consulting and Professional Services Group, two private organizations that provide therapy. (ECF No. 1 ¶¶74, 81.) White, a former romantic partner of Fox, worked as a therapist with Pathways Consulting or Professional Services Group. (*Id.* ¶¶43, 82, 165–70, 268.) At a family court hearing, Fox raised a concern that this posed a potential conflict of interest, which Judge Iverson addressed, noting that White was not either child's therapist and that therapists are bound

by a code of ethics. (*Id.* ¶¶81–85.) Judge Iverson ordered Fox to not contact the children's therapists. (*Id.* ¶78.) He later contacted the therapy providers, asserting that they needed to further preserve his children's medical records. (*Id.* ¶¶109–25.)

White informed Anderson, Sarah Ann's attorney, that Fox had violated the order restricting him from posting about the custody case or children on social media. (*Id.* ¶¶128–29.) This later resulted in Sarah Ann filing a motion for contempt against Fox in the child custody case, which Judge Iverson granted. *In re the Marriage of Sarah Ann Fox & Mathiew Rae Fox*, Kenosha Cnty. Case No. 2021FA000047. Also in relation to the child custody case, Fox unsuccessfully challenged Anderson's subpoenas to the therapy providers. (*Id.* ¶¶136–50.) Fox also attempted to preclude White from testifying in the child custody case, specifically about her temporary restraining order against him. (*Id.* ¶¶151–61.) This motion was also denied.

At a September 29, 2025 trial to determine custody of the children, Sarah Ann testified about her communications with White, including about a complaint Fox had filed about White's professional license. (*Id.* ¶¶163–67.) White also testified about her prior relationship with Fox, the children, the restraining order against Fox, various police reports about Fox's conduct, and her work. (*Id.* ¶¶172–73.) An employee from "Out & About," an organization that provides supervised visitation services, also testified that the organization no longer provided services to Fox because of his conduct. (*Id.*

¶¶179–81.) The Court ultimately awarded Sarah Ann sole legal custody and primary physical placement, with supervised visitation for Fox for one to two hours per week through Hope Council. (*Id.* ¶183.)

On December 2, 2025, Commissioner Smathers oversaw a "post judgment hearing" in the child custody case. (*Id.* ¶213.) In that hearing, Fox attempted to bring motions for contempt and placement-modification, and both were both without a hearing. (*Id.* ¶¶213–15.) At the same hearing, Commissioner Smathers heard Sarah Ann's contempt motion and tax dependency motions. (*Id.* ¶216.) Fox then raised complaints about Judge Iverson's earlier orders in the custody

[Original page 4]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 4 of 9
Document 60

case, arguing that the "supervised-placement and support cost structure depleted his ability to have meaningful contact with the children." (*Id.* ¶221.) Commissioner Smathers responded that she could not change those orders. (*Id.* ¶¶222–24.)

In his criminal case, Fox made an initial appearance on December 4, 2025. (*Id.* ¶187.) The government's allegations in the criminal case implicate Fox's behavior towards White, Pathways and Professional Services Group, and his conduct in the child custody case. (*Id.* ¶¶187–91.)

On January 20, 2026, Sarah Ann brought an injunction request against Fox related to his

communication with her, and her request was denied. (*Id.* ¶¶200–04.) On February 9, 2026, White also sought an injunction against Fox. (*Id.* ¶205.) In that proceeding, White testified about the 17 police reports she had filed in the past four years and her testimony in Fox's custody case. (*Id.* ¶¶205–07.) Fox testified that "White and [Sarah Ann] were working with one another" based on White working at the same provider where the children received therapy. (*Id.* ¶209.) That court granted White a four-year harassment injunction against Fox. (*Id.* ¶210.)

LEGAL STANDARD

Rule 12(b)(1) allows a court to dismiss a case for a "lack of subject-matter jurisdiction." When the complaint shows that there is no basis for federal jurisdiction, the claims should be dismissed without prejudice. *Frederiksen v. City of Lockport*, 384 F.3d 437, 438–39 (7th Cir. 2004). The Court lacks federal jurisdiction if the *Rooker-Feldman* doctrine applies. *Id.* at 438. The *Rooker-Feldman* doctrine precludes federal courts from exercising jurisdiction over cases brought by "state-court losers challenging state-court judgments rendered before the district court proceedings commenced." *Mains v. Citibank, N.A.*, 852 F.3d 669, 675 (7th Cir. 2017) (citing *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)). "The doctrine imposes a 'jurisdictional bar' that prohibits federal courts other than the Supreme Court of the United States from reviewing final state court judgments." *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 399 (7th Cir. 2023) (quoting *Andrade v. City of Hammond*, 9 F.4th 947, 948 (7th Cir. 2021)).

It exists because lower federal courts do not have appellate authority over state courts. *Id.* (quoting *Sykes v. Cook Cnty. Cir. Ct. Prob. Div.*, 837 F.3d 736, 741 (7th Cir. 2016)). "Claims that directly seek to set aside a state-court judgment are *de facto* appeals that trigger the doctrine." *Mains*, 852 F.3d at 675 (citing *Sykes*, 837 F.3d at 742). The doctrine further bars review of claims that are "inextricably intertwined" with the state court's judgment. *District of Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 n.16 (1983). Accordingly, claims in which a federal plaintiff

[Original page 5]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 5 of 9 Document 60

complains of an injury caused by a state-court judgment and seeks review and rejection of the state court judgment are barred. *Mains*, 852 F.3d at 675; *Hadzi-Tanovic*, 62 F.4th at 399; *T.M. v. Univ. of Md. Med. Sys. Corp.*, 608 U.S. ___, 146 S. Ct. 1739, 1747–48 (2026). Only where the plaintiff's alleged injury is entirely "independent" of the state court judgment does *Rooker-Feldman* not bar federal court jurisdiction. *Hadzi-Tanovic*, 62 F.4th at 399 (citing *Andrade*, 9 F.4th at 950). *Rooker-Feldman* applies when the federal plaintiff had a reasonable opportunity to raise the federal issue in the state court proceedings. *Id.*

Federal Rule of Civil Procedure 12(b)(6) allows a court to dismiss all or part of a case for "failure to state a claim upon which relief can be granted."

When deciding a Rule 12(b)(6) motion to dismiss, the Court must "accept all well-pleaded facts as true and draw reasonable inferences in the plaintiff['s] favor." *Roberts v. City of Chicago*, 817 F.3d 561, 564 (7th Cir. 2016) (citing *Lavalais v. Village of Melrose Park*, 734 F.3d 629, 632 (7th Cir. 2013)). Whether a complaint or an individual claim fails to state a claim is a decision on the merits, and thus a dismissal may be with or without prejudice. *Reed v. Columbia St. Mary's Hosp.*, 782 F.3d 331, 336 (7th Cir. 2015).

ANALYSIS

I. Fox's Complaint Will Be Dismissed Without Prejudice.

Fox attempts to raise five claims, all under 42 U.S.C. §1983: a First Amendment retaliation claim (Count I); a denial of meaningful access to courts claim under the First and Fourteenth Amendments (Count II); a procedural due process claim (Count III); a substantive due process claim (Count IV); and a claim titled "State-Linked Private Conduct, Joint Action, and Conspiracy" (Count V). These claims fail and cannot be cured by amendment. For the reasons discussed below, the Court will dismiss Fox's complaint without prejudice.

First, the *Rooker-Feldman* doctrine bars Fox's claims because Fox alleges he was injured by state court civil orders holding him in contempt and awarding custody of his children to Sarah Ann, and he now seeks review and rejection of those orders by this Court. Because *Rooker-Feldman* applies to

claims that allege injury caused by a state court judgment, his claim implicates the doctrine. *Mains*, 852 F.3d at 675; *Hadzi-Tanovic*, 62 F.4th at 401 (holding that an "alleged loss of familial association is not an injury independent of the state court judgment"); *Homola v. McNamara*, 59 F.3d 647, 649–50 (7th Cir. 1995) (plaintiff who sued defendants who enforced a state court's contempt order against him could not bring Section 1983 claims in federal court due to *Rooker-Feldman*).

[Original page 6]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 6 of 9
Document 60

As discussed above, lower federal courts do not have appellate jurisdiction over state courts. *Hadzi-Tanovic*, 62 F.4th at 399. In this case, the state court contempt and custody orders were entered before Fox filed this suit, and Fox had the opportunity to challenge those orders in state court and raise the federal issue there. *See id.* The Wisconsin Court of Appeals has affirmed the state court contempt order. While Fox has a pending petition for review in the Wisconsin Supreme Court, this does not affect the application of the Rooker-Feldman doctrine. In *T.M. v. Univ. of MD Med. Sys. Corp.*, the Supreme Court reaffirmed that the doctrine applies equally to state court judgments that are subject to further review in state court proceedings. 146 S. Ct. at 1743–44. In *T.M.*, the Court clarified that, although the first cases establishing the *Rooker-Feldman* doctrine arose from

unsuccessful litigants challenging decisions made by state supreme courts, the Court's reasoning in those cases did not suggest that the outcome would have been any different had the state court judgment been pending on appeal. *Id.* at 1749–51. Fox's claim, as it relates to the state court contempt and custody orders, must therefore be dismissed without prejudice for lack of jurisdiction. Fed. R. Civ. P. 12(b)(1).

Second, to the extent Fox is challenging his state court prosecution for stalking White, or White's decision to report his conduct, the Court must also abstain under the *Younger* doctrine. In *Younger v. Harris*, 401 U.S. 37, 53–54 (1971), the Supreme Court held that federal district courts must abstain from adjudicating federal claims when a federal plaintiff uses his federal lawsuit to try to enjoin an ongoing state court criminal prosecution. As there is an ongoing criminal prosecution against Fox, filed before this lawsuit, this Court cannot hear his claims.

Third, the domestic relations exception would also bar the Court from hearing Fox's claims. "The exception covers a 'narrow range of domestic relations issues involving the granting of divorce, decrees of alimony,' and child custody orders." *Kowalski v. Boliker*, 893 F.3d 987, 995 (7th Cir. 2018) (quoting *Ankenbrandt v. Richards*, 504 U.S. 689, 701–02 (1992)). Through this lawsuit, Fox is attempting to insert the Court into his state court child custody dispute. The Court lacks jurisdiction over domestic relations issues, like child custody.

Fourth, Fox's Section 1983 claims would fail for other reasons, even if those two doctrines did not apply. Fox sues many individuals who are not state actors.[2]

"To state a claim for relief

[Original page 7]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 7 of 9 Document 60

> under 42 U.S.C. §1983, a plaintiff must allege that he or she was deprived of a right secured

---

2 Some of Fox's claims against White, Sarah Ann, Anderson, and Iverson are also likely barred by the doctrine of claim splitting. Claim splitting is a part of the law of res judicata. *Rexing Quality Eggs v. Rembrandt Enterprises, Inc.*, 953 F.3d 998, 1002 (7th Cir. 2020). Claim splitting blocks a second lawsuit without a final judgment on the merits in the first if there is identity of parties in both suits and an identity in the causes of action. *Scholz v. United States*, 18 F.4th [Original page 7, footnote 2 continued] 941, 952 (7th Cir. 2021) (citing *Barr v. Bd. of Trs. of W. Ill. Univ.*, 796 F.3d 837, 840 (7th Cir. 2015); *Katz v. Gerardi*, 655 F.3d 1212, 1218 (10th Cir. 2011)). Claims have identity in the causes of action "if the 'claims arise out of the same set of operative facts or the same transaction.'" *Id.* (quoting *Matrix IV, Inc. v. Am. Nat. Bank & Tr. Co. of Chi.*, 649 F.3d 539, 547 (7th Cir. 2011)). Fox is suing many of the same parties, alleging First Amendment, substantive due process, and procedural due process violations in relation to the same contempt order and same state court custody proceeding. *Compare* (ECF No. 1 ¶¶282–291 (alleging a First Amendment violation)), *with Fox v. Iverson*, No. 26-cv-0772-BHL, ECF No. 1 ¶¶168–178 (E. D. Wis. April 30, 2026) (alleging the same against Sarah Ann, Anderson, and White).

> by the Constitution or the laws of the United States, and that this deprivation occurred at the hands of a person or persons acting under the color of state law."

D.S. v. E. Porter Cnty. Sch. Corp., 799 F.3d 793, 798 (7th Cir. 2015) (citing *Buchanan-Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009)). White, Sarah Ann, Anderson, Professional Services Group, and Pathways Consulting are simply not state actors, and Fox makes no allegations to support an inference that these defendants were "jointly engaged with state officials in the challenged action." *Dennis v. Sparks*, 449 U.S. 24, 27–28 (1980). While Judge Iverson and Commissioner Smathers are state actors, they enjoy judicial immunity from civil suits for their judicial acts. *See Stump v. Sparkman*, 435 U.S. 349, 355–56 (1978).

A *pro se* plaintiff is generally afforded one opportunity to amend his complaint, unless amendment would be futile or otherwise unwarranted. *See Zimmerman v. Bornick*, 25 F.4th 491, 494 (7th Cir. 2022). But, for the reasons discussed above, amendment would be futile in this case. The Court will grant Defendants' motions to dismiss and dismiss Fox's complaint without leave to amend.

II. Fox Must Show Cause Why He Should Not Be Sanctioned For Filing A Complaint For An Improper Purpose.

Every submission to the Court is a representation certifying that it "is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation" and that "the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or establishing new law[.]" Fed. R. Civ. P. 11(b)(1)–(2). Fox's claims are not viable, as Fox himself seems to recognize. His complaint includes multiple attempts to hedge his claims as *not* challenging the state court's ruling and *not* suing defendants who cannot be held liable for the actions he describes. (*See* ECF No. 1 ¶¶2–6, 10–14, 27–29, 32–34, 53–62.)

[Original page 8]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 8 of 9 Document 60

Also problematic is that Fox has shown a pattern of filing cases attacking the defendants in an attempt to intimidate or retaliate against them. He has previously filed a substantially similar case against Sarah Ann, Anderson, White, and Judge Iverson, also related to his child custody proceedings, on April 30, 2026. *See Fox v. Iverson*, No. 26-cv-0772-BHL, ECF No. 1 (E. D. Wis. April 30, 2026). And, as stated above, Fox has been charged with stalking White in Kenosha County Circuit Court, and that criminal

case is ongoing. The circumstances suggest that Fox may be trying to use this Court's authority to exact revenge against parties and individuals involved in cases he has previously lost. If so, he is engaging in litigation for an improper purpose. The Court therefore will order Fox to show cause in writing and under penalty of perjury why he should not be sanctioned for violating Rule 11 by filing a complaint for an improper purpose and without any nonfrivolous argument in support of his claims. Fox must submit his explanation in writing to the Court within **fourteen (14) days** of this order.

III. Fox's Other Motions Will Be Denied.

Fox's other procedural motions will be denied for a variety of reasons. Fox's motion to establish a service procedure is unnecessary and will be denied as moot. (ECF No. 37.) Because his claims are being dismissed, there is no need to serve additional documents, like discovery requests. The Court Clerk will provide copies of his response to the Court's show cause order, and any additional filings related to potential later sanctions, to Defendants. Fox may simply mail his responses to the Court.

Fox's motions for leave to file a sur-reply to Judge Iverson's, Professional Service Group's, and Smathers's motions to dismiss will be denied. (ECF Nos. 44, 57, 58, & 59.) There are no significant new issues or arguments raised for the first time in these reply briefs, and, accordingly, there is no reason to grant Fox additional opportunities to respond. *See Physicians HealthSource, Inc. v. A-S Medication*

Sols., LLC, 950 F.3d 959, 968–69 (7th Cir. 2020) (citing *Dr. Robert L. Meinders, D.C. Ltd. v. UnitedHealthcare, Inc.*, 800 F.3d 853, 858 (7th Cir. 2015)).

Fox's motion for leave to file supplemental exhibits will be denied as moot, as his case is being dismissed. (ECF No. 53.) Fox's motion to seal those exhibits will also be denied, as he has not shown good cause to seal the exhibits. (ECF No. 55.) Documents filed with the Court are presumed to be public materials. *See GEA Grp. AG v. Flex-N-Gate Corp.*, 740 F.3d 411, 419–20 (7th Cir. 2014). In civil litigation, only trade secrets, information covered by a recognized privilege, and information required by statute to be maintained in confidence, are entitled to be

[Original page 9]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 9 of 9 Document 60

kept secret. *Baxter Intern., Inc. v. Abbott Lab'ys*, 297 F.3d 544, 546 (7th Cir. 2002). The documents Fox wishes to seal are text messages between him and White from several years ago, and screenshots of the state court docket. (ECF No. 55-2.) The Court will deny Fox's motion to seal.

CONCLUSION

Accordingly,

IT IS ORDERED that Defendants' Motions to Dismiss, ECF Nos. 6, 19, 24, & 34, are **GRANTED**.

Plaintiff's Complaint, ECF NO. 1, is **DISMISSED without prejudice**. The Clerk is directed to enter judgment accordingly.

IS IT FURTHER ORDERED that Plaintiff's Motion to Establish a Service Procedure, and Motion for Leave to File Supplemental Exhibits, ECF Nos. 37 & 53, are **DENIED as moot**.

IS IT FURTHER ORDERED that Plaintiff's Motions for Leave to File Sur-Replies, ECF Nos. 44, 57, 58, and 59, are **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Seal is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff must show cause in writing by July 29, 2026, explaining why he should not be sanctioned for violating Rule 11.

Dated at Milwaukee, Wisconsin on July 15, 2026.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge

[Original page 1]
Case 2:26-cv-00797-BHL Filed 07/15/26 Page 1 of 1
Document 61

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

MATHIEW RAE FOX

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

Case No. 26-cv-0797-bhl

ALEXANDRA K. SMATHERS, et al,

Defendants.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict

☒ **Decision by Court.** This action came before the Court for consideration. The Court has decided the issues and rendered a decision.

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff's complaint is dismissed without prejudice.

Dated at Milwaukee, Wisconsin on July 15, 2026.

LINDA M. KLEMM
Clerk of Court
s/ Julie D.
(By) Deputy Clerk

[Original page 1]
Case: 26-2694 Document: 4 Filed: 08/18/2026 Pages: 1

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604
Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

August 18, 2026

By the Court:

No. 26-2694
MATHIEW RAE FOX,
Plaintiff - Appellant
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants - Appellees

Originating Case Information:

District Court No: 2:26-cv-00797-BHL
Eastern District of Wisconsin
District Judge Brett H. Ludwig

A preliminary review of the short record suggests this appeal may be untimely.

Rule 4(a) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2107(a) require that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case judgment was entered on July 15, 2026, and the notice of appeal was filed on August 17, 2026, three days late. The district court has not granted an extension of the appeal period, *see* 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5), and this court is not empowered to do so, *see* Fed. R. App. P. 26(b). Accordingly,

IT IS ORDERED that appellant shall file, on or before September 1, 2026, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal under Rule 42(b) of the Federal Rules of Appellate Procedure will satisfy this requirement. Briefing is **SUSPENDED** pending further court order.

If appellant wishes to request an extension of time in which to file the notice of appeal, appellant should file an appropriate motion in the district court, not this court, as soon as possible. Appellant's jurisdictional memorandum should include a discussion of the status of any such motion.

[Original page 1]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 1 of 7
Document 77

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

MATHIEW RAE FOX,

Plaintiff,

Case No. 26-cv-0797-hl

v.

ALEXANDRA K SMATHERS, et al,

Defendants.

ORDER

Plaintiff Mathiew Rae Fox is a vexatious pro se litigant who appears determined to relitigate his state court custody dispute in federal court. Within a 5-day period, Fox filed two extremely similar lawsuits in this Court against a slew of named defendants. (ECF No. 1); *see also Fox v. Iverson*, No. 26-cv-0772-BHL, ECF No. 1 (E. D. Wis. April 30, 2026). Both cases arise from state court orders in his child custody case.

On July 15, 2026, the Court dismissed this case without prejudice for lack of jurisdiction. (ECF No. 60.) Fox had sued Sarah Ann Fox (his ex-wife), Thomas Anderson (the lawyer who represented Sarah Ann), Judge Heather Iverson (the Kenosha County Circuit Court Judge overseeing the child custody case), Alexandra Smathers (a Kenosha

County Court Commissioner who oversaw part of his child custody case), Hollie White (a witness who testified in the child custody case, and also the complaining witness in a criminal prosecution brought against Fox in state court), Pathways Consulting and Professional Services group (two organizations that provide therapy), and Lora Reinders (the clinical director of Pathways Consulting). (ECF No. 1 ¶¶25–52.) The Court determined that his claims were barred by the *Rooker-Feldman* doctrine, as he sought to challenge various state court orders entered against him. (ECF No. 60.) Had that doctrine not barred his claims, the Court found that Fox's claims were not viable for myriad other reasons, including the domestic relations exception to federal jurisdiction, absolute judicial immunity, a lack of state action, and for some claims, *Younger* abstention, and claim splitting. (ECF No. 60 at 6–7.) The Court also dismissed Fox's extremely similar case under the *Rooker-Feldman* doctrine,

[Original page 2]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 2 of 7
Document 77

and because the same problems (the domestic relations exception to federal jurisdiction, judicial immunity, and a lack of state action) also applied. *See Fox v. Iverson*, No. 26-cv-0772-BHL, ECF No. 35. Because it appeared that he had filed suit to harass or intimidate the defendants, the Court's dismissal order also required Fox to show cause in writing why

he should not be sanctioned for filing his lawsuit for an improper purpose. (ECF No. 60 at 7–8.)

Fox has now filed a response to the Court's order to show cause, an untimely notice of appeal, a motion for an extension to file his notice of appeal, a motion requesting leave to file a reply in support of that motion, and a motion requesting an indicative ruling allowing him leave to file a "first amended and supplemental complaint" upon remand. (ECF Nos. 62, 63, 68, 73, & 75.) This Order addresses these filings.

I. The Court Will Sanction Fox by Imposing a Filing Bar.

In its July 15, 2026 dismissal order, the Court noted that "Fox ha[d] shown a pattern of filing cases attacking the defendants in an attempt to intimidate or retaliate against them." (ECF No. 60 at 8.) The Court further noted that his two cases involved many of the same defendants, that he had been sanctioned with a contempt order in his child custody case, and that there was a pending criminal prosecution against Fox, in which he had been accused of stalking White (a defendant in both cases). (*Id.*)

In his response, which appears to be primarily written by an artificial intelligence program, Fox offers an array of arguments that largely seek to split hairs about the possible viability of his claims. (ECF No. 62.) He asserts: (1) that he believed that until the Supreme Court's recent decision in *T.M. v. Univ. of Md. Med. System Corp.*, 608 U.S. 668 (2026), his claims were not necessarily barred by

Rooker-Feldman; (2) that his federal injuries were independent from the state court orders entered against him; (3) that his complaint attempted to distinguish between relief that would interfere with the ongoing criminal prosecution against him, and avoid implicating *Younger* abstention; (4) that his complaint "sought to remain outside the narrow domestic relations exception;" (5) that the complaint pleaded a "conditional joint-action theory" to sufficiently allege state action; (6) that the "complaint accounted for judicial immunity though a functional distinction;" and (7) that his claims "invoked recognized constitutional doctrines." (ECF No. 62 at 4–8.) Fox ignores the basic reality of the situation: he is a state court litigant who lost in state court and therefore needed to raise any issues arising from that litigation in the state appellate court. He had his chance to appeal in state court, he in fact did so, and he lost there too.

[Original page 3]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 3 of 7
Document 77

See In Re the Marriage of Sarah Ann Fox & Mathiew Rae Fox, 2025 AP 2229 (Wis. Ct. Ap. April 8, 2026). Federal courts do not hear appeals from disgruntled state court litigants and it is improper to use the federal courts to relitigate issues lost in the state court.

Fox's response only briefly addresses the Court's main concern—that he was using his federal court lawsuits not as honest, good faith attempts to

vindicate his rights, but rather to harass Sarah Ann, her attorney, Anderson, White, and Judge Iverson. (ECF No. 62 at 11–13.) Fox argues first that his purpose was "adjudication of claimed federal injury." (*Id.* at 11.) But he sued private citizens who are not state actors and defendants with immunity, and they did not plausibly violate his federal rights. He next asserts that "the two actions were not filed to multiply proceedings or evade a ruling" and the scope of the second lawsuit was "broader" than the first, and therefore the Court should not be suspicious of his conduct. (*Id.* at 11–12.) This assertion is self-serving and not persuasive. As explained in the Court's order, the concern is that Fox improperly burdened the defendants with having to respond to baseless lawsuits. As noted in the order dismissing this case, at least one of his claims would have also implicated claim splitting because there was both identity in the parties, and identity in the causes of action. (ECF No. 60 at 6 n.2.) He further argues that he had not been convicted in his criminal case at the time of the order, (ECF No. 62 at 12), that he did not seek to disrupt that lawsuit. This ignores that he previously asserted that White's conduct as a complaining witness in the criminal case was part of the basis of his first amendment claim. (ECF No. 1 ¶¶282–91.)

He next asserts that his "objective filing conduct is inconsistent with harassment." (ECF No. 62 at 13.) The record is to the contrary. Fox's filing history is consistent with efforts to harass the defendants. Days before the Court entered the orders dismissing

his cases, Fox filed a letter in both cases that is simply a screed against the state court and the various defendants. (ECF No. 54.) Unlike his other filings, Fox's letter seems to have been authored by Fox himself, instead of an artificial intelligence program. It ends with the exclamation "[i]t is the record now!" (*Id.* at 7.) In his letter, Fox bemoans the fact that the state court requires him to pay child support, that he has been restricted to supervised visitation (requiring him to pay a third party to supervise him while he sees his children), and that his children now call him by his first name instead of "Dad." (*Id.* at 1–2.) He directly calls on the Court to review "whether [the state court's] discretion was exercised

[Original page 4]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 4 of 7 Document 77

in a way that actually served the children's best interest[.]"[1]

---

1 Ironically, Fox attaches what appears to be a single page of a transcript from a hearing in his child custody case, and literally highlights a statement made by Judge Iverson:

> "Mr. Fox, you seem to be a very intelligent man and I pray this doesn't fall on deaf ears, but I have a feeling it will. You are clearly the issue and the problem here. It is —I'm not sure if your ego and pride won't let you see that or if you honestly are incapable of self-reflection."

(ECF No. 54-1.)

(*Id.* at 2–3.) These statements lay bare the truth of Fox's conduct and motives. They also severely undercut Fox's repeated assertions that he has not asked the Court to review the state court's custody judgment. The animosity he expresses against Judge Iverson, Sarah Ann, and other people associated with this child custody dispute also undercuts his assertions that he is merely attempting to rectify a narrow constitutional injury.

Because his conduct suggests that he initiated and maintained these lawsuits for an improper purpose, the Court will sanction Fox by imposing a filing bar. The Court finds that Fox's repetitive litigation has been unreasonable and vexatious, and the Court will exercise its inherent power to prevent the further wasting of judicial resources. *See Carr v. Tillery*, 591 F.3d 909, 919– 20 (7th Cir. 2010) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43–46 (1991)). The Court will bar Fox from filing any further complaints relating to his child custody case and related court proceedings. The Court cautions that further sanctions, including potential monetary penalties, may be ordered if Fox burdens the Court with additional meritless filings.

II. Fox's Motion For an Extension of Time to File His Notice of Appeal Is Denied.

Under 28 U.S.C. §2107, and Rule 4(a) of the Federal Rules of Appellate Procedure, Fox had thirty days, or until August 14, 2026, to file his notice of appeal. Under Fed. R. App. 25(a)(1)(A)(i), a paper not filed electronically "may be [filed] by mail addressed

to the clerk, but filing is not timely *unless the clerk receives the papers within the time fixed for filing*." (emphasis added). A district court may extend the time to appeal only when the party seeking an extension so moves within 30 days of the deadline's expiration and demonstrates that "excusable neglect or good cause" justified its failure to meet the deadline. Fed. R. App. P. 4(a)(5)(A); 28 U.S.C. §2107(c). Determining whether the movant has met that burden is within the district court's discretion. *Mayle v. State of Illinois*, 956 F.3d 966, 968–69 (7th Cir. 2020.)

Good cause applies in situations where the party who failed to meet a deadline is not at fault. *Sherman v. Quinn*, 668 F.3d 421, 425 (7th Cir. 2012). Conversely, courts consider whether neglect was "excusable" when the movant is at fault. The standard for reviewing whether neglect

[Original page 5]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 5 of 7
Document 77

is "excusable" is an equitable one, and courts consider factors like the risk of prejudice to the non-movant, the length of the delay, the reason for the delay—including whether it was within the reasonable control of the movant, and whether the movant acted in good faith. *McCarty v. Astrue*, 528 F.3d 541, 544 (7th Cir. 2008). "To establish excusable neglect, the moving party must demonstrate genuine ambiguity or confusion about the scope or application of the rules or some other good reason for missing the

deadline, in addition to whatever lack of prejudice and absence of delay he can show." *Satkar Hospitality, Inc. v. Fox Television Holdings*, 767 F.3d 701, 707 (7th Cir. 2014). A mere lack of prejudice to opposing parties does not entitle one to an extension. *Mayle*, 956 F.3d at 969.

Fox's notice of appeal was filed on August 17, 2026, backdated to August 4, 2026, and postmarked August 14, 2026. (ECF No. 63.) He indicates that he first mailed his notice on August 4, [2]

but, for unknown reasons, it was not filed on the docket. (ECF No. 68 ¶¶2–3.) He further states that he discovered this fact on August 12, 2026, and then prepared a new notice of appeal that same day but inexplicably did not mail it until "no later than August 14," 2026. (ECF No. 69 ¶¶5–8.) Fox thus admits that he learned of the alleged mailing issue with time to correct it but then delayed addressing the problem. Much like the plaintiff in *Mayle*, Fox does not offer good cause but has "confessed in essence to neglect." 956 F.3d at 969. While Fox relies on *Mayle*, (ECF No. 68 ¶7), he does not acknowledge that the Seventh Circuit in that case deferred to the district court's discretion in deciding the movant's request for an extension. 956 F.3d at 965–69 ("It was up to the district court—not an appellate court—to decide whether to excuse his neglect."). This Court will not excuse Fox's neglect, because his reason for

2 While Fox includes a screenshot of his saved notice of appeal on his computer, with a date of August 3, 2026, (ECF No. 68-1 at 1), this does not establish, nor, to be frank, even suggest, that he also *mailed* his notice of appeal on that date.

the delay is not a good one, and his conduct in both of his recently filed cases suggests that he is not litigating in good faith. While the time delay is slight, and the risk of prejudice to the defendants low, those facts "do little analytical work in this context." *Satkar Hospitality, Inc.*, 767 F.3d at 707. The reason for the delay is simply not persuasive. Fox alleges that his first notice was lost, he realized it was not docketed, but rather than call the clerk of court to investigate, mail a notice again on the day he recognized the problem, or drive to the courthouse to deliver the notice in person to ensure its timely filing, he chose to wait two additional days before placing the notice in the mail. As discussed above, Fox's conduct

[Original page 6]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 6 of 7 Document 77

throughout this proceeding, and his other case, has been irregular and strongly suggested that he pursued frivolous claims to harass the defendants. For those reasons, the Court will deny Fox's extension.[3]

His notice of appeal remains untimely.

---

3 Fox also requests leave to file a reply to Defendant Professional Services Group's brief opposing his motion. That motion will be granted, but his additional reply brief does not offer any persuasive arguments that warrant reaching a different decision. (ECF Nos. 73 & 73-1.)

III. Fox's Remaining Motion Is Denied.

Fox also requests an "indicative ruling" under Federal Rules of Civil Procedure 60(b)(2) and 62.1, and for leave to file a first amended complaint on remand. (ECF No. 75.) Rule 60(b)(2) allows a court to relieve a party from a final judgment, order, or proceeding for "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)." Rule 62.1(a) provides that

> "[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue."

In his motion, Fox asserts a tenuous theory. As best the Court understands it, the prosecutor in his criminal case, which resolved by guilty plea to a lesser charge, responded during plea negotiations that if he did not "read-in" Fox's other conduct, he would likely receive a complaint to "the board" from the victim (White, one of the defendants here). (ECF No. 75 at 3.) According to Fox, this comment "materially bear[s] on [the Court's dismissal Order's] purpose inference." (*Id.* at 3.)

Putting any procedural oddities aside, this is a nonsensical theory. The Court, as discussed above, inferred that Fox filed his two federal lawsuits for an

improper purpose because he brought very similar untenable claims against shared defendants, he filed them after already losing in state court, and because his conduct, as described in his own complaints, was troubling and suggested bad faith. Moreover, Fox's improper purpose was discussed in the context of sanctions, not the merits of Fox's claims. His claims objectively fail regardless of his purpose for bringing them. This motion will be denied. The Court will, again, caution Fox that additional frivolous filings will result in additional sanctions. Fox will not be granted leave to amend his complaint.

[Original page 7]
Case 2:26-cv-00797-BHL Filed 10/09/26 Page 7 of 7
Document 77

CONCLUSION

As discussed above, the Court will sanction Fox by imposing a filing bar. His motion for an extension of time to file his notice of appeal is denied. His appeal is untimely. His additional motions for an indicative ruling and for leave to file an amended complaint are denied. Accordingly,

IT IS HEREBY ORDERED that Fox is **BARRED** from filing complaints in this Court related to his child custody case, or any related proceedings. The Clerk is instructed not to file complaints related to Fox's child custody case.

IT IS FURTHER ORDERED that Fox's motion for an extension of time to file notice of appeal, ECF No. 68, is **DENIED**.

IT IS FURTHER ORDERED that Fox's motion for leave to file a sur-reply, ECF No. 73, is **GRANTED**.

IT IS FURTHER ORDERED that Fox's motion for an indicative ruling and for leave to file an amended complaint, ECF No. 75, is **DENIED**.

Dated at Milwaukee, Wisconsin on October 9, 2026.

s/ *Brett H. Ludwig*
BRETT H. LUDWIG
United States District Judge

[Original page 1]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 1 of 6
Document 46

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

MATHIEW RAE FOX,

Plaintiff,

Case No. 26-cv-0772-hl

v.

JUDGE HEATHER IVERSON, et al.,

Defendants.

ORDER

Plaintiff Mathiew Rae Fox is a vexatious *pro se* litigant who appears determined to relitigate his state court custody dispute in federal court. Within a 5-day period, Fox filed two extremely similar lawsuits in this Court against a slew of named defendants. (ECF No. 1); *see also Fox v. Smathers*, No. 26-cv-0797-BHL, ECF No. 1 (E. D. Wis. May 5, 2026). Both cases arise from state court orders in his child custody case.

On July 15, 2026, the Court dismissed this case without prejudice for lack of jurisdiction. (ECF No. 35.) Fox had sued Sarah Ann Fox (his ex-wife), Thomas Anderson (the lawyer who represented Sarah Ann), Judge Heather Iverson (the state court judge overseeing the child custody case), and Hollie White (a witness who testified in the child custody

case, and also the complaining witness in a criminal prosecution brought against Fox in state court) for conduct related to his child custody case, and the entry of a contempt order against him in that case. (ECF No. 1 ¶¶ 18–40.) The Court determined that his claims were barred by the *Rooker-Feldman* doctrine, as he sought to challenge the state court's various orders against him. (ECF No. 35 at 4–8.) Had that doctrine not applied, his claims would have failed for other reasons, namely that (1) Judge Iverson is entitled to absolute judicial immunity; (2) the domestic relations exception to federal jurisdiction would have applied, and (3) Fox attempted to sue private citizens under 42 U.S.C. §1983. (*Id.* at 6–7.) The Court also dismissed Fox's other extremely similar case under the *Rooker-Feldman* doctrine, and because the same additional problems (the domestic relations exception to federal jurisdiction, judicial immunity, and a lack of state action) applied. *See Fox v. Smathers*, No. 26-cv-0797-BHL,

[Original page 2]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 2 of 6
Document 46

ECF No. 60 (E. D. Wis. May 5, 2026). Because it appeared that he had filed suit to harass or intimidate the defendants, the Court's dismissal order also required Fox to show cause in writing why he should not be sanctioned for filing his lawsuit for an improper purpose. (ECF No. 35 at 8.)

Fox has now filed both a response to the Court's order to show cause and an untimely notice of appeal.

(ECF Nos. 37 & 38.) This Order addresses both filings.

I. The Court Will Sanction Fox by Imposing a Filing Bar.

In its July 15, 2026 dismissal order, the Court noted that "Fox ha[d] shown a pattern of filing cases attacking the defendants in an attempt to intimidate or retaliate against them." (ECF No. 35 at 8.) The Court noted that his two cases involved many of the same defendants, that he had been sanctioned with a contempt order in his child custody case, and that there was a pending criminal prosecution against Fox, in which he had been accused of stalking White (a defendant in both cases). (*Id.*) In his response, which appears to be primarily written by artificial intelligence, Fox offers an array of arguments that largely seek to split hairs about the possible viability of his claims. He asserts: (1) until the Supreme Court's recent decision in *T.M. v. University of Maryland Medical Sys. Corp.*, 608 U.S. 668 (2026), his claims were not necessarily barred by *Rooker-Feldman*; (2) that his federal injuries were somehow independent from the state court orders entered against him; (3) that "the record-fixed finding/restriction mismatch supported a recognizable due-process contention[1];"

---

1 This phrase is Fox's shorthand for an assertion that the state court contempt order was not clear enough, and that this creates an injury that is somehow independent of the contempt order. (ECF No. 37 at 6.)

(4) that his complaint "expressly accounted for judicial immunity;"(5) that he pleaded a limited joint-action theory and thus alleged state action, (6) that his First Amendment and parental-association claims invoked existing constitutional law; (7) and that he "sought to remain outside the narrow domestic relations exception." (ECF No. 37 at 1– 10.) Fox ignores the basic reality of the situation: he is a state court litigant who lost in state court, and therefore needed to raise any issues arising from that litigation in the state appellate court. He had his chance to appeal in state court, he in fact did so, and he lost there too. *See Sarah Ann Fox v. Mathiew Rae Fox*, 2025 AP 2229 (Wis. Ct. Ap. April 8, 2026). Federal courts do not hear appeals from disgruntled state court litigants and it is improper to use the federal courts to relitigate issues lost in the state court.

[Original page 3]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 3 of 6
Document 46

Fox's response only briefly addresses the Court's main concern—that he was using his federal court lawsuits not as honest, good faith attempts to vindicate his rights, but to harass Sarah Ann, her attorney, Anderson, White, and Judge Iverson. (ECF No. 37 at 10–13.) His limited response is not convincing. Fox argues first that his purpose was "adjudication of claimed federal injury" for his First and Fourteenth Amendment injuries. (*Id.* at 11.) But he sued private citizens who are not state actors and

they did not plausibly violate his federal rights. He next asserts that because he filed his second case "openly" within five days of the first, and the scope of the second lawsuit was "broader" than the first, the Court should not be suspicious of his conduct. (*Id.* at 12.) This self-serving assertion does not cover up his ill motive. As explained in the Court's order, the concern is that Fox improperly burdened the defendants with having to respond to baseless lawsuits. As noted in the order dismissing his *other* case, at least one of his claims there would have *also* been barred by the doctrine of claim splitting because there was both identity in the parties and the causes of action. *Smathers*, No. 26-cv-0797-BHL, ECF No. 60 at 6 n. 2 (E. D. Wis. May 5, 2026). He further argues that he had not been convicted in his criminal case at the time of the order, (ECF No. 37 at 13), ignoring that he had already been restricted from contacting White, as well as Sarah Ann, which he admitted to the Court in an earlier filing. (*See* ECF No. 27.)

He next asserts that his "objective filing conduct is inconsistent with concealment or harassment." (ECF No. 37 at 13.) The Court does not agree. Fox's filing history is consistent with efforts to harass the defendants. Soon before the Court entered the orders dismissing his cases, Fox filed a letter *in both cases* that is simply a screed against the state court and the various defendants. (ECF No. 34.) Unlike his filings, Fox's letter seems to have likely been authored by Fox himself, instead of an artificial intelligence program. It ends with the exclamation "[i]t is the record now!" (*Id.* at 7.) In his letter, Fox

bemoans the fact that the state court requires him to pay child support, that he has been restricted to supervised visitation (requiring him to pay a third party to supervise him while he sees his children), and that his children now call him by his first name instead of "Dad." (*Id.* at 1–2.) He directly calls on the Court to review "whether [the state court's] discretion was exercised in a way that actually served the children's best interest[.]"[2]

(*Id.* at 2–3.)

[Original page 4]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 4 of 6
Document 46

These statements lay bare the truth of Fox's conduct and motives. They also severely undercut Fox's repeated assertions that he has not asked the Court to review the state court's custody judgment. The animosity he expresses against Judge Iverson, Sarah Ann, and other people associated with this child custody dispute also undercuts his assertions that he

---

2 Ironically, Fox attaches what appears to be a single page of a transcript from a hearing in his child custody case, and literally highlights a statement made by Judge Iverson:

> "Mr. Fox, you seem to be a very intelligent man and I pray this doesn't fall on deaf ears, but I have a feeling it will. You are clearly the issue and the problem here. It is —I'm not sure if your ego and pride won't let you see that or if you honestly are incapable of self-reflection."

(ECF No. 34-1.)

is merely attempting to rectify a narrow constitutional injury.

Because his conduct suggests that he initiated and maintained these lawsuits for an improper purpose, the Court will sanction Fox by imposing a filing bar. The Court finds that Fox's repetitive litigation has been unreasonable and vexatious, and the Court will exercise its inherent power to prevent the further wasting of judicial resources. *See Carr v. Tillery*, 591 F.3d 909, 919 (7th Cir. 2010) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43–46 (1991)). The Court will bar Fox from filing any further complaints relating to his child custody case and related court proceedings. The Court cautions that further sanctions, including potential monetary penalties, may be ordered if Fox burdens the Court with additional meritless filings.

II. Fox's Motion For an Extension of Time to File His Notice of Appeal Is Denied.

Under 28 U.S.C. §2107, and Rule 4(a) of the Federal Rules of Appellate Procedure, Fox had thirty days, or until August 14, 2026, to file his notice of appeal. Under Fed. R. App. 25(a)(1)(A)(i), a paper not filed electronically "may be [filed] by mail addressed to the clerk, but filing is not timely *unless the clerk receives the papers within the time fixed for filing*." (emphasis added). A district court may extend the time to appeal only when the party seeking an extension so moves within 30 days of the deadline's expiration *and* demonstrates that "excusable neglect or good cause" justified its failure to meet the

deadline. Fed. R. App. P. 4(a)(5)(A); 28 U.S.C. §2107(c). Determining whether the movant has met that burden is within the district court's discretion. *Mayle v. State of Illinois*, 956 F.3d 966, 968–69 (7th Cir. 2020).

Good cause applies in situations where the party who failed to meet a deadline is not at fault. *Sherman v. Quinn*, 668 F.3d 421, 425 (7th Cir. 2012). Conversely, courts consider whether neglect was "excusable" when the movant is at fault. The standard for reviewing whether neglect is "excusable" is an equitable one, and courts consider factors like the risk of prejudice to the non-movant[3],

the length of the delay, the reason for the delay—including whether it was within the reasonable control of the movant, and whether the movant acted in good faith. *McCarty v. Astrue*, 528 F.3d 541, 544 (7th Cir. 2008). "To establish excusable neglect, the moving party must

[Original page 5]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 5 of 6 Document 46

demonstrate genuine ambiguity or confusion about the scope or application of the rules or some other good reason for missing the deadline, in addition to whatever lack of prejudice and absence of delay he can show." *Satkar Hospitality, Inc. v. Fox Television Holdings*, 767 F.3d 701, 707 (7th Cir. 2014).

---

3 A mere lack of prejudice to opposing parties does not entitle one to an extension. *Mayle*, 956 F.3d at 969.

Fox's notice of appeal was filed on August 17, 2026, backdated to August 4, 2026, and postmarked August 14, 2026. (ECF No. 38.) He indicates that he first mailed his notice on August 4, [4]

but, for unknown reasons, it was not filed on the docket. (ECF No. 42.) He further states that he discovered this fact on August 12, 2026, and prepared a new notice of appeal that day, but did not mail it until August 14, 2026. (ECF No. 43 ¶¶14–16.) Fox therefore admits that he learned of the alleged mailing issue with time to correct it but then delayed addressing the problem for two days. Much like the plaintiff in *Mayle*, Fox does not offer good cause but has "confessed in essence to neglect." 956 F.3d at 969. While Fox relies on *Mayle*, (ECF No. 42 ¶7), he does not acknowledge that the Seventh Circuit in that case deferred to the district court's discretion in deciding the movant's request for an extension. 956 F.3d at 969 ("It was up to the district court— not an appellate court—to decide whether to excuse his neglect."). This Court will not excuse Fox's neglect, because his reason for the delay is not a good one, and his conduct in both of his recently filed cases suggests that he is not litigating in good faith. While the time delay is slight, and the risk of prejudice to the defendants low, those factors "do little analytical work in this context." *Satkar Hospitality, Inc.*, 767 F.3d at 707. The reason for the delay is simply not

4 While Fox includes a screenshot of his saved notice of appeal on his computer, with a date of August 3, 2026, (ECF No. 42-1 at 1), this does not establish, nor, to be frank, even suggest, that he also *mailed* his notice of appeal on that date.

persuasive. Fox alleges that his first notice was lost, he realized it was not docketed, but rather than call the clerk of court to investigate, mail a notice again on the day he recognized the problem, or drive to the courthouse to deliver the notice in person to ensure its timely filing, he chose to wait two additional days before placing the notice in the mail. As discussed above, Fox's conduct throughout this proceeding, and his other case, has been irregular and strongly suggested that he pursued frivolous claims to harass the defendants. For those reasons, the Court will deny Fox's extension. His notice of appeal remains untimely.

[Original page 6]
Case 2:26-cv-00772-BHL Filed 10/09/26 Page 6 of 6
Document 46

CONCLUSION

As discussed above, the Court will sanction Fox by imposing a filing bar. His motion for an extension of time to file his notice of appeal is denied. His appeal is untimely.

Accordingly,

IT IS HEREBY ORDERED that Fox is **BARRED** from filing complaints in this Court related to his child custody case, or any related proceedings. The Clerk is instructed not to file complaints related to Fox's child custody case.

IT IS FURTHER ORDERED that Fox's motion for an extension of time to file notice of appeal, ECF No. 42, is **DENIED**.

Dated at Milwaukee, Wisconsin on October 9, 2026.

s/ *Brett H. Ludwig*
BRETT H. LUDWIG
United States District Judge

Provisions involved

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS

Pertinent provisions identified on petition page 3. Excerpts are identified by subsection; bracketed text identifies omissions.

U.S. Constitution, Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Constitution, Amendment XIV, § 1

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Provisions involved

42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

28 U.S.C. § 1254(1)

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

28 U.S.C. § 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Provisions involved

28 U.S.C. § 1343(a)(3)

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

[Paragraphs (1)-(2) omitted.]

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. § 2101(e)

(e) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

28 U.S.C. § 2107(a), (c)

(a) Except as otherwise provided in this section, no appeal shall bring any judgment, order or decree in an action, suit or proceeding of a civil nature before a court of appeals for review unless notice of appeal is filed, within thirty days after the entry of such judgment, order or decree.

[Subsection (b) omitted.]

(c) The district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, extend the time for

appeal upon a showing of excusable neglect or good cause. In addition, if the district court finds-

(1) that a party entitled to notice of the entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry, and

(2) that no party would be prejudiced,

the district court may, upon motion filed within 180 days after entry of the judgment or order or within 14 days after receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal.

Federal Rule of Appellate Procedure 4(a)(5)

(5) Motion for Extension of Time.

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

Provisions involved

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

Federal Rule of Civil Procedure 11

(a) SIGNATURE. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(b) REPRESENTATIONS TO THE COURT. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

Provisions involved

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) SANCTIONS.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show

cause why conduct specifically described in the order has not violated Rule 11(b).

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

(5) Limitations on Monetary Sanctions. The court must not impose a monetary sanction:

(A) against a represented party for violating Rule 11(b)(2); or

(B) on its own, unless it issued the show-cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(6) Requirements for an Order. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) INAPPLICABILITY TO DISCOVERY. This rule does not apply to disclosures and discovery requests, responses, objections, and motions under Rules 26 through 37.

Provisions involved

Federal Rule of Civil Procedure 60(b)(6)

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: [Paragraphs (1)-(5) omitted.]

(6) any other reason that justifies relief.

Federal Rule of Civil Procedure 62.1

(a) RELIEF PENDING APPEAL. If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may:

(1) defer considering the motion;

(2) deny the motion; or

(3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.

(b) NOTICE TO THE COURT OF APPEALS. The movant must promptly notify the circuit clerk under Federal Rule of Appellate Procedure 12.1 if the district court states that it would grant the motion or that the motion raises a substantial issue.

(c) REMAND. The district court may decide the motion if the court of appeals remands for that purpose.

Provisions involved

Supreme Court Rule 11

A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e).

[Original page 1]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 1 of 28
Document 1

United States District Court
Eastern District of Wisconsin

[Filing stamp:] U.S. District Court / Wisconsin Eastern / MAY 05 2026 / FILED / Clerk of Court
[Case-number stamp: 26-C-797]
Case No. _____

Mathiew R. Fox,
Plaintiff,
v.
Alexandra K. Smathers, *in her official capacity and individual capacity only for nonjudicial conduct, if proven,*
Heather Iverson, *in her official capacity and individual capacity only for nonjudicial conduct, if proven,*
Thomas W. Anderson Jr.,
Hollie White,
Sarah Fox,
Pathways Consulting, and
Professional Services Group,
Defendants.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, DAMAGES, DECLARATORY RELIEF, PROSPECTIVE RELIEF, AND JURY DEMAND

42 U.S.C. § 1983

[Original page 2]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 2 of 28
Document 1

I. Nature of the Action

1. This is a civil-rights action under 42 U.S.C. § 1983 for violations of the First and Fourteenth Amendments.
2. Plaintiff brings this action for retaliation, denial of meaningful access to courts, procedural due-process deprivation, impairment of lawful parental-access efforts, and state-linked private conduct causing independent federal injury.
3. Plaintiff does not bring a federal appeal from any Wisconsin family-court order.
4. Plaintiff does not ask this Court to decide custody, placement, child support, contempt, injunction, subpoena, evidentiary, provider, criminal, employment, publication, or domestic-relations merits.
5. Plaintiff does not ask this Court to reverse, vacate, modify, correct, or supervise any Wisconsin state-court order.
6. Plaintiff challenges independent federal injuries caused by conduct separate from the correctness of any state-court ruling.
7. Plaintiff engaged in protected petitioning, reporting, preservation, provider-record, medical-record, provider-conflict, appellate, writ-related, OLR-related, Judicial

Commission-related, DSPS-related, and HHS/OCR-related activity.

8. Defendants knew or had reason to know of that protected activity through hearings, filings, docket entries, preservation notices, provider communications, trial testimony, contempt proceedings, appellate filings, writ-related filings, criminal-track proceedings, injunction proceedings, and related complaint channels.

9. Protected activity later appeared in contempt, provider, criminal, injunction, employment, financial, and parental-access consequences.

10. The federal injury is not that Plaintiff lost state-court rulings.

11. The federal injury is that protected activity, provider-conflict objections, record-preservation efforts, and lawful parental-access efforts were used, burdened, restricted, or routed through unclear processes that impaired Plaintiff's federal rights.

12. Plaintiff seeks damages only from nonimmune defendants for nonimmune conduct.

13. Plaintiff does not seek damages from judicial officers for protected judicial acts, rulings, orders, findings, hearing management, trial management, docket control when adjudicative, or ordinary judicial functions.

[Original page 3]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 3 of 28 Document 1

14. Plaintiff seeks prospective declaratory relief and narrow prospective relief only to remedy ongoing federal constitutional injury, and only where permitted by 42 U.S.C. § 1983.

15. Plaintiff demands a jury trial.

II. Jurisdiction and Venue

16. This Court has federal-question jurisdiction under 28 U.S.C. § 1331.

17. This Court has civil-rights jurisdiction under 28 U.S.C. § 1343(a)(3).

18. Plaintiff brings this action under 42 U.S.C. § 1983.

19. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202.

20. Venue is proper in the Eastern District of Wisconsin under 28 U.S.C. § 1391(b)(2) because a substantial part of the events occurred in Kenosha County, Wisconsin.

21. Supplemental jurisdiction exists under 28 U.S.C. § 1367 to the extent any related state-law issue is later pleaded or construed from the same nucleus of operative fact.

III. Parties

A. Plaintiff

22. Plaintiff Mathiew R. Fox is a Wisconsin resident.

23. Plaintiff is the father of the children involved in Kenosha County Circuit Court Case No. 2021FA000047.

24. Plaintiff sought lawful adjudication, review, record access, provider-record protection, provider-conflict review, medical-record access, contempt defense, parental-access enforcement, and preservation of evidence in that case.

B. Defendant Alexandra K. Smathers

25. Defendant Alexandra K. Smathers is a Kenosha County Circuit Court Commissioner.

26. Smathers acted under color of state law when performing official court-related functions.

27. Plaintiff sues Smathers in her official capacity for prospective declaratory relief and narrow prospective relief permitted by § 1983.

28. Plaintiff sues Smathers in her individual capacity only for nonjudicial, extra-judicial, administrative, retaliatory, or otherwise nonimmune conduct, if proven.

29. Plaintiff does not seek damages from Smathers for judicial acts, rulings, orders, findings, hearing management, contempt decisions,

docket control when adjudicative, or ordinary adjudicative conduct.

[Original page 4]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 4 of 28 Document 1

C. Defendant Heather Iverson

30. Defendant Heather Iverson is a Kenosha County Circuit Court Judge.

31. Iverson acted under color of state law when performing official court-related functions.

32. Plaintiff sues Iverson in her official capacity for prospective declaratory relief and narrow prospective relief permitted by § 1983.

33. Plaintiff sues Iverson in her individual capacity only for nonjudicial, extra-judicial, administrative, retaliatory, or otherwise nonimmune conduct, if proven.

34. Plaintiff does not seek damages from Iverson for judicial acts, rulings, orders, findings, hearing management, trial management, contempt decisions, provider decisions, docket control when adjudicative, or ordinary adjudicative conduct.

D. Defendant Thomas W. Anderson Jr.

35. Defendant Thomas W. Anderson Jr. is a private attorney who represented Sarah Fox during portions of the family-court proceedings.

36. Plaintiff does not sue Anderson merely because he represented Sarah Fox, filed motions, issued subpoenas, introduced exhibits, made arguments, cross-examined witnesses, or took ordinary litigation positions.

37. Plaintiff sues Anderson only for conduct that discovery and trial evidence will prove involved joint participation, use of state authority, ratification, conspiracy, or state-linked conduct causing federal injury.

38. Anderson had notice of Plaintiff's protected activity through hearings, filings, OLR-related notices, provider-conflict objections, preservation-related materials, provider-record objections, trial motion practice, and White-related proceedings.

39. Anderson introduced, subpoenaed, relied on, or used White-related and provider-related material after White's disputed role, provider connections, adverse status, and connection to Plaintiff's protected reporting activity were placed on the record.

E. Defendant Hollie White

40. Defendant Hollie White is a private actor.

41. Plaintiff does not sue White merely because she was a witness, private complainant, injunction petitioner, former intimate partner, provider employee, or adverse participant in state proceedings.

42. Plaintiff sues White only for conduct that discovery and trial evidence will prove involved state action, joint participation, conspiracy, ratification, or use of state authority causing federal injury.

[Original page 5]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 5 of 28
Document 1

43. White's role is material because the record places her at the intersection of the family-court case, the Pathways/Professional Services Group provider ecosystem, Plaintiff's protected reporting activity, criminal-track proceedings, injunction proceedings, and employment-related harm.

F. Defendant Sarah Fox

44. Defendant Sarah Fox is a private actor and a party to the underlying family-court proceedings.

45. Plaintiff does not sue Sarah Fox merely because she was an opposing party, filed motions, testified, communicated with providers, made allegations, or took litigation positions.

46. Plaintiff sues Sarah Fox only for conduct that discovery and trial evidence will prove involved state action, joint participation, conspiracy, ratification, or use of state authority causing federal injury.

47. Sarah Fox had notice of Plaintiff's protected activity through family-court filings, OFW communications, provider-conflict objections, contempt proceedings, trial proceedings, provider communications, and White-related communications.

G. Defendants Pathways Consulting and Professional Services Group

48. Defendants Pathways Consulting and Professional Services Group are private provider entities.

49. Plaintiff does not sue either provider merely because it provided therapy, employed a person later involved in litigation, received communications, maintained records, received preservation notices, or had records or employees referenced in court.

50. Plaintiff sues Pathways Consulting and Professional Services Group only to the extent discovery and trial evidence prove state action, joint participation, conspiracy, ratification, misuse of state authority, provider-record conduct, or employee-linked conduct causing federal injury.

51. Plaintiff pleads provider-record, privacy, preservation, HHS/OCR-related, and disclosure-related facts as evidence of protected activity, notice, process impairment, record-access injury, causation, and state-linked private-actor context.

52. Plaintiff does not plead HIPAA as a standalone private federal damages claim.

IV. Federal Limits and Immunity Safeguards

53. Plaintiff does not seek federal review of any Wisconsin state-court judgment.

[Original page 6]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 6 of 28 Document 1

54. Plaintiff does not seek reversal of any custody, placement, contempt, injunction, subpoena, evidentiary, provider, criminal, employment, publication, or family-court ruling.

55. Plaintiff could prevail on these federal claims without altering any state-court custody, placement, contempt, injunction, evidentiary, provider, criminal, employment, publication, or family-court order.

56. Plaintiff does not ask this Court to award custody or placement.

57. Plaintiff does not ask this Court to set or modify child support.

58. Plaintiff does not ask this Court to determine the children's best interests.

59. Plaintiff does not ask this Court to adjudicate contempt.

60. Plaintiff does not ask this Court to modify any injunction.

61. Plaintiff does not ask this Court to suppress evidence, supervise providers, discipline judges, discipline attorneys, discipline providers, or direct Wisconsin family-court proceedings.

62. Plaintiff does not ask this Court to enjoin, dismiss, stay, interfere with, or supervise any pending criminal prosecution, contempt proceeding, injunction proceeding, or family-court merits issue.

63. Criminal-track facts are pleaded only as evidence of motive, causation, damages, protected-activity use, record-access impairment, provider-access impairment, and state-linked private-actor context.

64. Judicial officers are not sued for damages for judicial acts.

65. Private actors are not liable under § 1983 merely because they were adverse to Plaintiff or participated in state litigation.

66. Private-actor liability is pleaded only where trial evidence establishes state action, joint participation, conspiracy, ratification, or use of state authority causing constitutional injury.

67. Oversight complaints, record requests, preservation notices, appellate filings, writ-related filings, provider-record communications, and criminal-track facts are pleaded as protected activity, notice, causation, attempted remedies, and evidence of federal injury.

V. Factual Allegations

A. Record and evidence conventions

68. Plaintiff will prove these claims through certified transcripts, filed motions, filed orders, docket entries, provider communications, email records, audio recordings, video recordings, body-camera footage, trial exhibits, law-enforcement records, provider records, appellate records, and witness testimony.

[Original page 7]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 7 of 28 Document 1

69. Plaintiff cites state-court transcripts and filings as record anchors for protected activity, notice, causation, adverse action, and injury.

70. Plaintiff does not cite those materials to ask this Court to decide whether Wisconsin state courts correctly ruled on custody, placement, contempt, injunction, provider, subpoena, evidentiary, criminal, or family-court merits.

71. The cited records matter because they show what Defendants knew, when Defendants knew it, what process existed or failed to exist, how protected activity was used, and how injury followed.

B. Provider pipeline and early notice

72. On January 21, 2025, Anderson stated that the Guardian ad Litem had spoken to the children and that those disclosures "basically gave rise to the temporary order," primarily based on disclosures made directly to the GAL. Tr. 1-21-25:4:20-25 (R.192).

73. Anderson stated that comments were also made by the children to Sarah Fox after they spoke with the GAL. Tr. 1-21-25:5:19-22 (R.192).

74. Anderson stated that Sarah Fox had gotten both children into doctors and counseling, and that the son had been diagnosed with PTSD and was starting counseling. Tr. 1-21-25:7:10-16 (R.192).

75. The GAL stated that she began her investigation by obtaining police reports. Tr. 1-21-25:11:14-16 (R.192).

76. The GAL referenced a restraining order involving a former girlfriend. Tr. 1-21-25:11:17-20 (R.192).

77. The GAL stated that she requested a CPS investigation and that CPS unsubstantiated maltreatment. Tr. 1-21-25:15:10-14 (R.192).

78. The court restricted Plaintiff from contacting the therapist, stating, "At this time, he's not to contact the therapist." Tr. 1-21-25:45:6-8 (R.192).

79. That structure allowed provider information to enter the family-court process while Plaintiff's direct provider contact was restricted.

80. That structure made Sarah Fox and court-connected channels central to the flow of provider information relevant to parental access.

C. Provider-conflict notice

81. On March 4, 2025, Anderson identified the children's providers: "M.F. is Elizabeth at PSG in Kenosha. E.F. has Jess at Pathways Consulting." Tr. 3-4-25:15:1-3 (R.191).

82. Plaintiff's counsel raised a conflict concern involving another therapist in the same facility as Plaintiff's former girlfriend. Tr. 3-4-25:12:11-14 (R.191).

[Original page 8]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 8 of 28
Document 1

83. Counsel explained the internal "staffing" concern: when providers staff a case, they discuss cases, and another therapist may hear information that could feed into treatment. Tr. 3-4-25:12:18-25 (R.191).

84. The record confirmed that the facility overlap involved a former girlfriend who was "one of the therapists." Tr. 3-4-25:15:15-18 (R.191).

85. The court rejected the concern, stating that the parties were dealing with professionals and a code of ethics and that the court did not share the concern. Tr. 3-4-25:15:23-25 (R.191).

86. By March 4, 2025, the court and parties had record notice of a provider-conflict theory involving PSG, Pathways, internal provider staffing, and an adverse former partner connected to the provider environment.

87. Plaintiff uses this sequence to prove notice, foreseeability, causation, and the origin of the provider-conflict issue.

88. Plaintiff does not ask this Court to decide which provider should have treated the children.

D. Protected reporting and contempt sequence

89. Plaintiff engaged in protected activity by filing motions, objecting to provider conflict, contacting oversight bodies, preserving evidence, requesting records, and pursuing review.

90. On May 29, 2025, the GAL stated that Our Family Wizard workers had been sent a link and placed it in visitation notes where they had access to more videos than the GAL could see publicly. Tr. 5-29-25:5:8-10 (R.156).

91. The GAL stated that she received emails containing private YouTube videos. Tr. 5-29-25:5:11-13 (R.156).

92. On May 29, 2025, the court prohibited social-media posting and expanded the restriction to YouTube, stating, "No social media. No web pages." Tr. 5-29-25:13:15-22 (R.156).

93. On June 11, 2025, Anderson identified the social-media restriction as prohibiting dissemination of information concerning the case or minor children, including Facebook, YouTube, X, Twitter, Snapchat, and other forms of social media. Tr. 6-11-25:3:17-25 (R.157).

94. Anderson filed the contempt motion that placed Plaintiff's communications and videos at issue. Tr. 6-11-25:3:11-15 (R.157).

95. At the June 11, 2025 hearing, Plaintiff testified that he sent videos or materials to state representatives, OLR-related recipients, the Wisconsin Supreme Court, law firms, and Wisconsin legislators. Tr. 6-11-25:14:15-22 (R.157).

[Original page 9]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 9 of 28 Document 1

96. Plaintiff clarified that the recipients were specific recipients, not the public. Tr. 6-11-25:14:23-24 (R.157).

97. Plaintiff explained that he contacted OLR because he believed the process was unfair and that written letters preceded later videos. Tr. 6-11-25:15:17-20; 15:25-16:2 (R.157).

98. The June 11, 2025 transcript also reflects that Plaintiff sent material to CPS/Lisa Retzlaff and to Out & About staff. Tr. 6-11-25:27:12-14; 27:20-24; 29:7-9 (R.157).

99. The court rejected a public/private distinction and found willful and knowing disregard of court orders. Tr. 6-11-25:31:3-12 (R.157).

100. Plaintiff does not ask this Court to review the contempt ruling.

101. Plaintiff uses the contempt sequence to prove that protected reporting, preservation, and oversight communications were known to court and litigation actors and were treated as adverse conduct.

E. Cross-system escalation

102. On June 26, 2025, Anderson referenced "a potential other ongoing criminal investigation" in the family-court proceeding. Tr. 6-26-25:4:16-18 (R.177).

103. Anderson acknowledged receiving notice from OLR concerning a grievance against him and referenced a letter sent to the Court and filed with OLR. Tr. 6-26-25:4:20-24 (R.177).

104. The GAL referenced Plaintiff contacting DCFS again and video sent to DCFS. Tr. 6-26-25:7:13-23 (R.177).

105. The court tied future compliance to visitation consequences. Tr. 6-26-25:10:15-11:9 (R.177).

106. By June 26, 2025, protected complaints, provider-related concerns, criminal-investigation references, and parental-access consequences appeared in the same procedural lane.

107. Plaintiff uses this sequence to prove notice, causation, and the merger of protected reporting with parental-access consequences.

108. Plaintiff does not ask this Court to decide whether any DCFS, OLR, or criminal matter was substantively correct.

F. July 31 provider-preservation and non-contact clarification

109. On July 31, 2025, Plaintiff placed on the 2021FA47 record an affidavit concerning non-contact intent and provider-preservation activity. R.148.

[Original page 10]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 10 of 28 Document 1

110. The affidavit stated that, on or about July 28, 2025, Plaintiff sent a HIPAA preservation letter to Pathways and Professional Services Group, two organizations he identified as professionally affiliated with White. R.148 at 1.

111. Plaintiff stated that the purpose was to assert rights, request a litigation hold, and ensure that the children's health information was not accessed or disclosed unlawfully by White or her employer. R.148 at 1-2.

112. Plaintiff stated that the communication was addressed to the organizations directly, not to White personally. R.148 at 2.

113. Plaintiff stated that the communication was not an attempt to contact White directly or indirectly for harassment, intimidation, or any purpose prohibited by the injunction. R.148 at 2.

114. Plaintiff requested that the court reopen and clarify the injunction because lawful preservation activity could be mischaracterized as prohibited contact. R.148 at 2-3.

115. Plaintiff filed a July 30, 2025 email exchange with Pathways Consulting. R.149.

116. Pathways' clinic director responded that the practice follows Wisconsin law for preserving client records and that minor records are maintained for seven years past the age of eighteen. R.149 at 1.

117. Plaintiff asked Pathways to confirm whether notes, reports, or correspondence related to the children remained in its possession or were preserved under that policy. R.149 at 1.

118. Plaintiff stated that the request was for legal and evidentiary preservation purposes. R.149 at 1.

119. Plaintiff also filed a July 31, 2025 email exchange with Pathways. R.150.

120. Pathways asked Plaintiff to identify his legal standing before it looked into the existence of any records. R.150 at 1.

121. Plaintiff responded that he was not requesting confidential mental-health records at that time. R.150 at 1.

122. Plaintiff stated that he was notifying Pathways of ongoing custody litigation and requesting preservation of records, internal communications, diagnoses, case notes, and documentation referencing the children or the third party's involvement. R.150 at 1.

123. Plaintiff stated that the email was a preservation notice only and that any access request would proceed through legal channels, including subpoenas and protective orders. R.150 at 1.

[Original page 11]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 11 of 28 Document 1

124. These filings prove that Pathways had direct notice of preservation concerns before the later subpoena, provider-record, White-related, and trial sequences.

125. Plaintiff does not assert that a preservation notice alone creates state action.

G. August 13 Anderson/White bridge

126. On August 13, 2025, Plaintiff framed due-process concerns and identified provider-conflict concerns tied to Pathways and PSG. Tr. 8-13-25:8:8-9:25; 10:1-11 (R.193).

127. Plaintiff described the mechanism of influence inside the provider system and referenced litigation holds sent to the providers. Tr. 8-13-25:10:12-11:15; 14:1-8 (R.193).

128. Anderson stated that a third party provided information leading him to believe a contempt motion needed to be filed. Tr. 8-13-25:14:24-15:2 (R.193).

129. The court clarified that "White" was the person Anderson had spoken with, and Anderson confirmed. Tr. 8-13-25:15:19-16:18 (R.193).

130. Plaintiff identified the person as Hollie White. Tr. 8-13-25:16:3-8 (R.193).

131. Plaintiff identified concerns involving Sarah Fox's access to the children's Our Family Wizard communications. Tr. 8-13-25:17:11-19:7 (R.193).

132. The transcript identified Eric Kurkowski as Sarah Fox's romantic partner and a Kenosha Police detective. Tr. 8-13-25:22:16-23:2 (R.193).

133. The court repeatedly deferred disputed issues to trial. Tr. 8-13-25:34:10-38:2 (R.193).

134. The August 13 hearing supplies a record bridge between Anderson, White, provider-conflict issues, and court enforcement activity.

135. Plaintiff does not assert that ordinary witness contact or attorney investigation is unlawful by itself.

H. August 28 provider-record motions

136. On August 28, 2025, Plaintiff filed an emergency motion to stay subpoena compliance, sequester or seal any produced provider material, require counsel certification, and set

in-camera review with a qualified protective order. R.173.

[Original page 12]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 12 of 28 Document 1

137. The motion identified the children's mental-health providers as Pathways Consulting/Jessica Dorner and Professional Services Group/Elizabeth Gamboa-Reynolds. R.173 at 1.

138. Plaintiff requested a temporary stay of subpoena compliance pending hearing. R.173 at 1.

139. Plaintiff requested that any already-produced materials be sequestered, not reviewed, not copied, and lodged under seal for in-camera review. R.173 at 1-2.

140. Plaintiff requested that Anderson certify whether he or his agents had received provider materials, identify the date, source, and method of receipt, and confirm sequestration and lodging under seal. R.173 at 2.

141. Plaintiff requested a qualified protective order limiting use to the family-court case, prohibiting redisclosure, requiring sealed filing, requiring return or destruction at the end of litigation, and excluding psychotherapy process notes absent a specific order. R.173 at 2.

142. The same filing included records-custodian hold and production instructions to Pathways and PSG. R.173 at 6-8.

143. Plaintiff instructed each provider to preserve materials relating to the children and refrain from disclosing protected health information unless and until ordered by the court. R.173 at 6-8.

144. Plaintiff requested court-only sealed production for in-camera review if disclosure were authorized. R.173 at 6-8.

145. Also on August 28, 2025, Plaintiff filed a motion to quash or modify subpoenas duces tecum and for protective order. R.174.

146. The motion stated that Anderson caused subpoenas to be served on Jessica Dorner at Pathways and Elizabeth Gamboa-Reynolds at PSG, commanding them to appear for trial and produce "all records and notes" for the children. R.174 at 1.

147. Plaintiff objected that the subpoenas sought privileged mental-health materials, lacked HIPAA safeguards, were overbroad, risked therapeutic harm, and could be addressed through less restrictive alternatives. R.174 at 1-2.

148. Plaintiff requested in-camera review, narrowed production, exclusion of psychotherapy process notes, sealed filing, no redisclosure, and return or destruction after litigation. R.174 at 1-3.

149. Plaintiff does not ask this Court to decide whether the subpoenas were proper under Wisconsin law.

[Original page 13]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 13 of 28 Document 1

150. Plaintiff uses R.173 and R.174 to prove protected provider-record objections, preservation activity, notice, and process impairment.

I. September 22 White motions

151. On September 22, 2025, Plaintiff filed a motion in limine to exclude Hollie White's testimony. R.201.

152. Plaintiff argued that White lacked direct knowledge of Plaintiff's current parenting or the children's best interests. R.201 at 1-3.

153. Plaintiff argued that White's connection arose from a prior personal relationship and her role as a Pathways/PSG employee. R.201 at 1-3.

154. Plaintiff argued that White's testimony risked unfair prejudice, character evidence, collateral TRO issues, and confusion of custody issues. R.201 at 1-3.

155. The supporting affidavit stated that White had an active TRO through February 2026. R.201 at 4-5.

156. The affidavit stated that White had a personal history with Sarah Fox. R.201 at 4-5.

157. The affidavit stated that prior counsel warned that PSG/Pathways posed a conflict because of White's employment. R.201 at 4-5.

158. On the same date, Plaintiff filed a motion to quash the subpoena issued to Hollie White, identified as "Hollie Elizabeth White - Pathways Consulting." R.203 at 1.

159. Plaintiff argued that White was adverse, was not a neutral witness, had a relationship with Sarah Fox, and was connected to PSG/Pathways. R.203 at 1-4.

160. Plaintiff uses R.201 and R.203 to prove pretrial notice, protected objection, provider-conflict chronology, and causation.

161. Plaintiff does not ask this Court to decide whether White should have been excluded as a witness in state court.

J. September trial: provider and White evidence

162. At the September 29, 2025 trial, Plaintiff raised that Pathways and PSG were third-party involvement and connected that concern to the March 4 hearing. Tr. 9-29-25:14:23-15:16 (R.312).

163. Sarah Fox testified that she contacted Hollie White on Instagram, met with her, asked about the children, and became friends with her. Tr. 9-29-25:39:22-40:7 (R.312).

[Original page 14]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 14 of 28 Document 1

164. Sarah Fox testified that White showed her a DSPS complaint that Plaintiff had sent concerning White's licensing. Tr. 9-29-25:40:19-41:5 (R.312).

165. Sarah Fox testified that the children needed services through companies where White worked and identified Pathways Consulting and Professional Services Group. Tr. 9-29-25:42:7-16 (R.312).

166. Sarah Fox testified that White had an office for Pathways Consulting. Tr. 9-29-25:42:17-22 (R.312).

167. Sarah Fox testified that she understood White worked at PSG at some point. Tr. 9-29-25:62:8-24 (R.312).

168. M.F. 's therapist testified that Sarah Fox reached out to PSG for therapy services and later contacted the therapist again for individual therapy. Tr. 9-29-25:97:19-98:2 (R.312).

169. M.F. 's therapist testified that her knowledge of family dynamics came from Sarah Fox. Tr. 9-29-25:103:19-23 (R.312).

170. M.F. 's therapist testified that White worked for PSG and that they worked for the same agency, though not directly in the same program. Tr. 9-29-25:105:25-106:21 (R.312).

171. E.F. 's therapist testified that she worked with Pathways Consulting. Tr. 9-29-25:112:15-19 (R.312).

172. Anderson called Hollie White as a petitioner's witness and examined her about the prior relationship, the children, the restraining order, police reports, and provider employment. Tr. 9-29-25:159:5-160:25; 171:1-179:15 (R.312).

173. White testified about her PSG and Pathways employment. Tr. 9-29-25:171:1-172:12 (R.312).

174. White testified that she and Sarah Fox communicated after the DSPS issue and communicated consistently. Tr. 9-29-25:173:18-174:10 (R.312).

175. White testified that she knew M.F. 's therapist and knew about M.F. 's treatment because emails to her employer included her. Tr. 9-29-25:174:16-175:10 (R.312).

176. White testified that Sarah Fox was a witness in one police report. Tr. 9-29-25:176:1-20 (R.312).

177. Anderson elicited that he had spoken to White before trial once, in relation to a posted video. Tr. 9-29-25:178:17-22 (R.312).

178. White testified that her appearance on Anderson billing invoices was due to that phone call. Tr. 9-29-25:179:6-15 (R.312).

[Original page 15]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 15 of 28 Document 1

179. On September 30, 2025, Anderson called Clarissa Losey from Out & About. Tr. 9-30-25:5:17-16:23 (R.333).

180. Losey testified that Out & About provided supervised community visitation, visits were recorded using body cameras, visits began around the beginning of the year, and the last visit occurred around the beginning of August. Tr. 9-30-25:5:17-6:25; 7:1-3 (R.333).

181. Losey testified that Out & About stopped providing services after disputes concerning policy compliance and Plaintiff's request to change how the provider coded acceptance-and-decline entries. Tr. 9-30-25:7:4-8:25 (R.333).

182. Plaintiff testified that proposals for gradual reunification were sent to Anderson and that Anderson did not respond. Tr. 9-30-25:103:1-104:4 (R.333).

183. The September 29 and 30, 2025 order later awarded Sarah Fox sole legal custody and primary physical placement and ordered supervised secondary physical placement through Hope Council for one to two hours once per week. R.258.

184. Plaintiff does not ask this Court to alter that order.

185. Plaintiff uses the order only as an injury and causation anchor.

K. Criminal-track overlap

186. The later criminal case absorbed family-court contempt, provider-conflict, YouTube, employer/provider communication, Pathways/PSG, and Hollie White facts into a criminal-track narrative.

187. At the December 4, 2025 initial appearance in State v. Fox, 25-CF-1639, the State identified Hollie White as the complaining witness. Tr. 12-4-25:3:4-7.

188. The State tied the alleged conduct to Plaintiff's custody battle and Sarah Fox's placement/custody request. Tr. 12-4-25:5:6-10.

189. The State described licensing-board and employer contacts as part of the criminal narrative. Tr. 12-4-25:5:11-16.

190. Defense counsel stated that White's employer was also the provider of services for Plaintiff's children, and that Plaintiff's request concerned White's affiliation with Pathways and access to his children. Tr. 12-4-25:9:22-10:3.

191. The criminal court imposed a no-contact condition extending to White's employer. Tr. 12-4-25:12:9-12.

[Original page 16]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 16 of 28 Document 1

192. At the January 8, 2026 preliminary hearing, the officer testified that Pathways Consulting and Professional Services Group were White's employers. Tr. 1-8-26:8:11-14.

193. The officer testified that White "does not have access" to Plaintiff's children's files "due to the conflict of interest." Tr. 1-8-26:8:5-9.

194. The officer testified that emails were directed at Pathways or the other counseling service and sent to the employer, not directly to White. Tr. 1-8-26:11:18-23.

195. The officer testified that nothing threatening was listed in the criminal complaint. Tr. 1-8-26:13:9-11.

196. The officer testified that he did not know that any shown information was non-public. Tr. 1-8-26:14:20-23.

197. The officer testified that the intimidation theory appeared to be based on White's words or feelings. Tr. 1-8-26:15:9-16:14.

198. Plaintiff does not ask this Court to review the bindover decision, suppress evidence, dismiss charges, modify bond, or interfere with the criminal prosecution.

199. Plaintiff uses the criminal-track facts to prove that family-court, provider, and

protected-reporting facts later intensified independent federal injury.

L. Injunction overlap

200. On January 20, 2026, Sarah Fox proceeded pro se on a harassment injunction request against Plaintiff and did not call additional witnesses. Tr. 1-20-26:2:9-18.

201. Sarah Fox told the court that OFW communications referenced Hollie White, Eric, health-insurance matters, school, medical, dental, counseling, and therapy updates. Tr. 1-20-26:7:7-9:10.

202. The injunction court stated that the communications concerned custody and placement and had a legitimate purpose regarding the children. Tr. 1-20-26:9:11-10:6.

203. The injunction court denied Sarah Fox's request, stating that the contact was due to the parties having children together and had a legitimate purpose. Tr. 1-20-26:10:16-11:8.

204. That proceeding confirms that at least one state-court record recognized a legitimate parental-access purpose for communications that other tracks treated as adverse or sanctionable.

[Original page 17]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 17 of 28 Document 1

205. On February 9, 2026, Hollie White appeared as petitioner in 26-CV-107, and the court identified Plaintiff's bond in 25-CF-1639 as the basis for the injunction. Tr. 2-9-26:1; 2:19-25.

206. White testified that she had filed approximately 17 police reports in the prior four years. Tr. 2-9-26:3:15-18.

207. White testified that she had been subpoenaed in Plaintiff's family-court case involving Sarah Fox and the minor children and had been brought into family court, civil court, small-claims court, and criminal court. Tr. 2-9-26:7:14-23.

208. Plaintiff testified that the children attended Pathways and PSG where White worked. Tr. 2-9-26:11:1-3.

209. Plaintiff testified that White and Sarah Fox were working with one another and connected that assertion to Sarah Fox's use of Pathways and PSG. Tr. 2-9-26:11:17-21.

210. The court granted a four-year harassment injunction. Tr. 2-9-26:16:6-12.

211. Plaintiff does not ask this Court to alter that injunction.

212. Plaintiff uses the injunction sequence to prove continuing restraint, cross-forum escalation,

damages, and ongoing burden on protected parental-access efforts.

M. Smathers, record ambiguity, and access injury

213. On December 2, 2025, Commissioner Smathers opened the postjudgment hearing by identifying which motions would and would not be heard.

214. Smathers stated that Plaintiff's October 22 contempt motion was denied without a hearing and would not be heard. Tr. 12-2-25:2:13-22.

215. Smathers stated that Plaintiff's November 12 placement-modification motion was denied a hearing because no substantial change had been alleged since the September 30, 2025 order. Tr. 12-2-25:3:1-6.

216. Smathers stated that Sarah Fox's contempt motion and tax-dependency motion would be heard. Tr. 12-2-25:3:7-18.

217. Plaintiff stated that there had been approximately three months of no contact. Tr. 12-2-25:4:4-6:25.

218. Plaintiff stated that placement had resumed only through Hope Council. Tr. 12-2-25:4:4-6:25.

219. Plaintiff stated that holiday dates had been denied. Tr. 12-2-25:4:4-6:25.

[Original page 18]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 18 of 28 Document 1

220. Plaintiff stated that he had filed motions not heard by Judge Iverson. Tr. 12-2-25:4:4-6:25.

221. Plaintiff stated that the supervised-placement and support-cost structure depleted his ability to have meaningful contact with the children. Tr. 12-2-25:4:4-6:25.

222. Smathers responded that she had "no ability to change Judge Iverson's orders" and could "only enforce them." Tr. 12-2-25:6:23-25.

223. Plaintiff again stated that the structure was creating distance, lost time, and irreparable harm. Tr. 12-2-25:8:8-24.

224. Smathers again stated, "I can't change the order. I can only enforce it." Tr. 12-2-25:8:20-24.

225. Smathers then took no further action on Plaintiff's motion to enforce physical placement. Tr. 12-2-25:9:1-3.

226. Plaintiff uses this sequence to prove procedural non-adjudication, unclear review path, and actual injury.

227. Plaintiff does not ask this Court to modify Judge Iverson's placement order or Commissioner Smathers's enforcement ruling.

228. Later docket entries and record-access decisions created ambiguity regarding who acted, what was decided, what basis was applied, and what review path existed.

229. Denial of access to court audio impaired Plaintiff's ability to verify the record, identify the responsible decision-maker, determine what was decided, and pursue meaningful review.

230. The January 29, 2026 docket/minutes reflected additional record ambiguity and continuing access injury.

231. The January 29 docket entry states that Sarah Fox's contempt motion alleged Plaintiff used OFW for non-child matters, sent checks through the mail, and attempted to communicate with the children about court matters.

232. The docket entry states that Plaintiff responded that the OFW messages involved the children, that OFW allowed him to indicate check payment, and that he used checks because he wanted documentation.

233. The docket entry states that the court found contempt on two issues but not the third.

234. The docket entry states that the court imposed a stayed 120-day jail term.

235. The docket entry states that the court ordered Plaintiff not to send any mail to Sarah Fox.

[Original page 19]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 19 of 28 Document 1

236. The docket entry states that the court ordered Plaintiff not to use OFW to discuss the case.

237. The docket entry states that the court required all court appearances for three years.

238. The docket entry states that Plaintiff's motion to modify placement resulted in adding Out & About as well as Hope Council after Plaintiff stated Hope Council had discontinued services.

239. The docket entry states that Plaintiff's January 2 motion to enforce variable costs resulted in no further action.

240. The docket entry identifies the proceeding as "UDAR (Unmonitored)."

241. Plaintiff uses this docket record for ambiguity, review impairment, and continuing access injury.

242. Plaintiff does not ask this Court to review the contempt result.

VI. Defendant-Specific Conduct

A. Heather Iverson

243. Iverson had notice of Plaintiff's protected activity through hearings, filings, provider-conflict objections, preservation-related issues, contempt proceedings, provider-record objections, White-related motions, and trial proceedings.

244. Iverson had record notice that PSG and Pathways were the children's treatment providers.

245. Iverson had record notice of the provider-conflict theory involving White, Pathways, PSG, and internal provider communications.

246. Iverson had record notice that Plaintiff sought preservation, litigation holds, provider-record safeguards, in-camera review, and protection against mischaracterizing preservation activity as prohibited White contact.

247. Plaintiff does not seek damages from Iverson for judicial rulings, orders, findings, hearing management, trial management, contempt decisions, provider decisions, or docket control performed in an adjudicative capacity.

248. Plaintiff seeks relief against Iverson only for nonjudicial conduct, if proven, and for prospective declaratory relief to address ongoing federal injury where legally permitted.

B. Alexandra Smathers

249. Smathers had notice through postjudgment filings, hearings, OFW-related contempt proceedings, placement-enforcement proceedings, child-

[Original page 20]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 20 of 28 Document 1

support proceedings, and Plaintiff's statements concerning unaddressed motions, pending review, and lack of meaningful access.

250. Smathers' December 2 hearing showed the mismatch between Plaintiff's parental-access injury and the available enforcement-only path.

251. Plaintiff does not seek damages from Smathers for judicial rulings, orders, findings, hearing management, contempt decisions, enforcement decisions, or docket control performed in an adjudicative capacity.

252. Plaintiff seeks relief against Smathers only for nonjudicial conduct, if proven, and for prospective declaratory relief to address ongoing federal injury where legally permitted.

C. Thomas W. Anderson Jr.

253. Anderson had notice of Plaintiff's protected activity through filings, hearings, OLR-related notice, provider-conflict objections, provider-record objections, preservation materials, and White-related trial practice.

254. Anderson filed the contempt motion placing Plaintiff's protected reporting and preservation activity at issue.

255. Anderson referenced OLR-related notice during the June 26 hearing.

256. Anderson acknowledged White-related contact in the contempt sequence.

257. Anderson caused subpoenas to issue to Pathways and PSG therapists seeking "all records and notes."

258. Anderson used White-related and provider-related testimony at trial after Plaintiff objected to White's adverse status and Pathways/PSG connection.

259. Anderson's conduct is actionable only to the extent discovery and trial evidence prove joint participation, state action, use of state authority, ratification, or conspiracy causing federal injury.

D. Sarah Fox

260. Sarah Fox had notice of Plaintiff's protected activity through filings, OFW communications, provider-conflict objections, provider communications, trial testimony, contempt proceedings, White communications, and DSPS-related testimony.

261. Sarah Fox initiated or used provider channels central to the family-court process.

262. Sarah Fox communicated with White, met with White, asked White about the children, and became friends with White.

263. Sarah Fox testified that White showed her Plaintiff's DSPS complaint concerning White.

[Original page 21]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 21 of 28 Document 1

264. Sarah Fox testified that the children needed services through companies where White worked, including Pathways and PSG.

265. Sarah Fox used contempt, provider, trial, and injunction channels in ways that later burdened Plaintiff's protected activity and parental-access efforts.

266. Sarah Fox's conduct is actionable only to the extent discovery and trial evidence prove joint participation, state action, use of state authority, ratification, or conspiracy causing federal injury.

E. Hollie White

267. White had notice of Plaintiff's DSPS-related activity, provider-employer communications, subpoena and trial participation, injunction proceedings, criminal proceedings, and communications with Sarah Fox and Anderson.

268. White worked in the Pathways/PSG provider ecosystem.

269. White communicated with Sarah Fox.

270. White showed Sarah Fox Plaintiff's DSPS complaint.

271. White communicated with Anderson before trial about a posted video.

272. White's employer/provider channel became part of the criminal-track no-contact structure.

273. White's conduct is actionable only to the extent discovery and trial evidence prove state action, joint participation, use of state authority, ratification, or conspiracy causing federal injury.

F. Pathways Consulting

274. Pathways had notice of Plaintiff's preservation concerns through July 2025 email communications and later filed preservation materials.

275. Pathways responded that minor records are maintained for seven years past age eighteen.

276. Plaintiff clarified to Pathways that he was not requesting confidential records and was issuing a preservation notice only.

277. Pathways was later identified as a provider channel connected to the children's treatment, White's employment, trial testimony, and criminal-track employer-contact restrictions.

278. Pathways' conduct is actionable only to the extent discovery and trial evidence prove state action, joint participation, provider-record misuse, employee-linked conduct, use of state authority, ratification, or conspiracy causing federal injury.

G. Professional Services Group

[Original page 22]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 22 of 28 Document 1

279. PSG had notice through provider involvement, preservation instructions, subpoena practice, trial testimony, and White-related provider-employment issues.

280. PSG was identified as a provider channel connected to the children's treatment, White's employment, trial testimony, and criminal-track employer-contact restrictions.

281. PSG's conduct is actionable only to the extent discovery and trial evidence prove state action, joint participation, provider-record misuse, employee-linked conduct, use of state authority, ratification, or conspiracy causing federal injury.

VII. Claims for Relief

Count I — First Amendment Retaliation

42 U.S.C. § 1983

282. Plaintiff realleges the preceding paragraphs.

283. Plaintiff engaged in protected First Amendment activity.

284. Plaintiff's protected activity included court filings, motions, preservation notices, provider-conflict objections, record-access requests, official misconduct complaints, OLR-related activity, Judicial Commission-related activity, HHS/OCR-related activity, DSPS-related reporting, appellate filings, writ-related filings, and requests for records relevant to parental-access litigation.

285. Defendants knew or had reason to know of Plaintiff's protected activity.

286. Adverse action followed Plaintiff's protected activity.

287. Adverse action included procedural non-adjudication, unclear review paths, record-access impairment, provider-conflict escalation, use of protected reporting or preservation activity against Plaintiff, White-related proceedings, criminal-track overlap, employment-related harm, financial impairment, and continuing injury to lawful parental-access efforts.

288. The adverse action would deter a person of ordinary firmness from continuing to petition, report misconduct, preserve evidence, request records, challenge provider conflicts, or pursue parental-access relief.

289. Causation is supported by timing, notice, docket sequence, provider-conflict escalation, White-related proceedings, Anderson-related conduct, provider subpoena practice, criminal-track overlap, and the sequence of protected activity followed by adverse consequences.

[Original page 23]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 23 of 28 Document 1

290. Plaintiff will prove that protected activity was repeatedly placed before court, litigation, provider, and criminal-track actors before adverse consequences followed.

291. Plaintiff seeks damages from nonimmune defendants for nonimmune conduct and prospective relief only where legally permitted.

Count II — Denial of Meaningful Access to Courts

First and Fourteenth Amendments, 42 U.S.C. § 1983

292. Plaintiff realleges the preceding paragraphs.

293. Plaintiff had nonfrivolous motions, objections, record-access requests, and review issues pending or available in Wisconsin proceedings.

294. Those matters concerned parental access, provider conflict, medical-record access, provider-record access, preservation, privacy, contempt defense, due process, and reviewability.

295. Defendants' nonimmune conduct hindered meaningful adjudication or review of those issues.

296. Plaintiff's injury is not that he lost a ruling.

297. Plaintiff's injury is that motions and objections were accepted, acknowledged, deferred, absorbed into later proceedings, routed elsewhere, or reflected through docket notation or transcript incorporation without a clear, reviewable disposition.

298. Plaintiff could not meaningfully identify what was decided, who decided it, what standard

applied, what order controlled, or what review path existed.

299. Record-access decisions and denial of access to court audio impaired Plaintiff's ability to verify the record and pursue meaningful review.

300. Provider-record process impairment also denied meaningful access.

301. Plaintiff requested court-only production, in-camera review, sequestration, certification of receipt, no redisclosure, and protection from disclosure of privileged therapy materials.

302. Plaintiff suffered actual injury to parental-access litigation, provider-record litigation, contempt defense, review efforts, financial stability, and lawful parental-access efforts.

303. Plaintiff seeks damages from nonimmune defendants and prospective relief where legally permitted.

Count III — Procedural Due Process

[Original page 24]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 24 of 28 Document 1

Fourteenth Amendment, 42 U.S.C. § 1983

304. Plaintiff realleges the preceding paragraphs.

305. Plaintiff has protected liberty interests in parental association, family integrity, and lawful parental-access efforts.

306. Plaintiff has protected procedural interests in meaningful notice, meaningful opportunity to be heard, record access, provider-record process, and reviewability when parental-access interests are burdened.

307. Defendants' nonimmune conduct contributed to a process in which critical motions, objections, provider-record issues, preservation issues, and parental-access issues were routed, deferred, restricted, or used without a clear, reviewable procedure.

308. Plaintiff was deprived of adequate notice of what was decided, who decided it, what basis was applied, and what review path existed.

309. Plaintiff tried to separate lawful preservation activity from prohibited White contact by filing R.148, R.149, and R.150.

310. Plaintiff later requested in-camera review, sealing, counsel certification, no redisclosure, exclusion of psychotherapy process notes, and court-only production through R.173 and R.174.

311. The later failure to provide a clear path for provider-preservation, record-access, injunction-boundary, and parental-access issues impaired meaningful process.

312. Plaintiff suffered injury including loss of meaningful parental-access litigation, inability

to pursue meaningful review, litigation impairment, financial harm, and continuing parental-access impairment.

Count IV — Familial Association and Parental-Access Impairment

Fourteenth Amendment, *42 U.S.C. § 1983*

313. Plaintiff realleges the preceding paragraphs.

314. Plaintiff has a fundamental liberty interest in the care, custody, companionship, and management of his children.

315. Plaintiff does not ask this Court to determine custody, placement, support, or the children's best interests.

316. Plaintiff claims that Defendants' independent nonimmune conduct impaired his ability to seek, fund, restore, and exercise lawful parental access through meaningful process.

317. Plaintiff's lawful parental-access efforts were burdened by retaliation, record-access impairment, provider-conflict escalation, provider-gatekeeping,

[Original page 25]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 25 of 28
Document 1

use of protected reporting activity, White-related proceedings, criminal-track overlap, employment-related harm, and financial impairment.

318. These injuries were independent of the correctness of any Wisconsin custody or placement determination.

319. Plaintiff seeks damages and prospective federal relief only for independent constitutional injury, not a federal placement order.

Count V — State-Linked Private Conduct, Joint Action, and Conspiracy

42 U.S.C. § 1983

320. Plaintiff realleges the preceding paragraphs.

321. Private actors may be liable under § 1983 when their conduct is fairly attributable to the State through state action, joint participation, conspiracy, ratification, or use of state authority to cause constitutional injury.

322. Anderson, White, Sarah Fox, Pathways, and PSG are private actors or private entities.

323. Plaintiff does not claim that these defendants are liable merely because they were adverse to Plaintiff, participated in litigation, made allegations, filed motions, represented a party, testified, provided therapy, maintained records, or received communications.

324. Plaintiff claims that discovery and trial evidence will prove state-linked private conduct through the cumulative sequence of provider-conflict notice, White/provider involvement, protected reporting, provider-record subpoenas, contempt

proceedings, criminal-track employer restrictions, injunction proceedings, and continuing parental-access impairment.

325. Anderson's state-linked conduct includes use of contempt proceedings, White-related information, provider subpoenas, provider testimony, and court enforcement machinery after notice of Plaintiff's protected activity and provider-conflict objections.

326. Sarah Fox's state-linked conduct includes use of provider channels, White communications, contempt proceedings, injunction proceedings, and White/provider material after notice of Plaintiff's protected activity and provider-conflict objections.

327. White's state-linked conduct includes use of provider-employer channels, communications with Sarah Fox and Anderson, criminal-track involvement, injunction proceedings, and White-related employer restrictions after Plaintiff's protected reporting and preservation activity.

[Original page 26]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 26 of 28 Document 1

328. Pathways' and PSG's state-linked conduct includes provider-record, employer, employee-linked, preservation, subpoena, and criminal-track consequences to the extent discovery proves those entities joined, ratified,

enabled, or participated in state-linked conduct causing federal injury.

329. Plaintiff does not claim that provider employment, witness testimony, preservation correspondence, or ordinary litigation participation alone creates § 1983 liability.

330. Plaintiff claims that the combined evidence supports a plausible inference for discovery and proof at trial.

331. The state-linked conduct caused retaliation, denial of meaningful access to courts, procedural due-process deprivation, employment-related harm, financial impairment, reputational harm, and parental-access impairment.

VIII. Damages

332. Plaintiff seeks compensatory damages against nonimmune defendants for nonimmune conduct.

333. Plaintiff's damages include lost wages, lost employment benefits, and other employment-related losses.

334. Plaintiff's damages include reputational harm and publication-related harm.

335. Plaintiff's damages include litigation impairment, record-access injury, loss of meaningful review, increased litigation costs, and increased court-access burdens.

336. Plaintiff's damages include parental-access impairment and continuing injury to his ability

to seek, fund, restore, and exercise lawful parental access.

337. Plaintiff's damages include increased supervised-placement costs, transportation costs, child-support-related burdens, GAL-related costs, provider-related costs, transcript costs, court costs, and related expenses caused or worsened by the constitutional injuries.

338. Plaintiff seeks nominal damages for constitutional violations.

339. Plaintiff seeks punitive damages against individual defendants only where legally permitted and where the evidence proves malicious, reckless, or callous disregard of federally protected rights.

340. Plaintiff does not seek damages against immune defendants for protected judicial acts.

IX. Declaratory Relief

[Original page 27]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 27 of 28 Document 1

341. Plaintiff seeks a declaration that Defendants' nonimmune conduct violated his First and Fourteenth Amendment rights.

342. Plaintiff seeks a declaration that the federal injuries in this Complaint are independent of the correctness of any Wisconsin custody, placement, contempt, injunction, subpoena,

evidentiary, provider, criminal, employment, publication, or family-court ruling.

343. Plaintiff seeks a declaration that retaliation for protected petitioning, preservation, record-access, and official reporting activity violates the First Amendment.

344. Plaintiff seeks a declaration that unclear or non-reviewable handling of motions affecting protected parental-access interests can deny meaningful access to adjudication and review.

345. Plaintiff seeks a declaration that state-linked private conduct may violate federal rights when tied to state action, joint participation, conspiracy, ratification, retaliation, or use of state authority causing constitutional injury.

X. Prospective Relief

346. Plaintiff seeks prospective relief only to prevent ongoing federal constitutional injury.

347. Plaintiff does not seek an order requiring any Wisconsin state court to grant or deny any motion.

348. Plaintiff does not seek an order changing custody, placement, child support, contempt, injunction, subpoena, evidentiary, provider, criminal, employment, publication, or family-court rulings.

349. Plaintiff does not seek federal supervision of Wisconsin domestic-relations merits.

350. Plaintiff does not seek federal interference with any pending criminal prosecution, criminal bond condition, injunction proceeding, contempt proceeding, or family-court merits issue.

351. Any prospective relief against a judicial officer must comply with 42 U.S.C. § 1983.

352. Plaintiff seeks only narrow prospective relief necessary to remedy ongoing federal constitutional injury and preserve meaningful access to adjudication and review.

[Original page 28]
Case 2:26-cv-00797-BHL Filed 05/05/26 Page 28 of 28
Document 1

XI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Enter judgment in Plaintiff's favor on all legally supported claims;

B. Award compensatory damages against nonimmune defendants for nonimmune conduct;

C. Award nominal damages for constitutional violations;

D. Award punitive damages where legally permitted;

E. Enter declaratory relief consistent with this Complaint;

F. Enter narrow prospective relief only where permitted by law;

G. Award costs and any other recoverable relief to the extent permitted by law;

H. Grant such other relief as the Court deems just and lawful.

XII. Jury Demand

353. Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

Dated this 29th Day of April, 2026

s/ Mathiew Rae Fox
Mathiew Rae Fox
Pro Se Petitioner
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
Mathiew.fox@gmail.com

[Original PDF page 1]

Gmail

Brian Severson <brian@seversonsmead.com>

Mathiew R. Fox: 25CF1639

23 messages

Brian Severson <brian@seversonsmead.com>
Fri, Aug 7, 2026 at 3:43 PM
To: vincent.kurta@da.wi.gov

Hello Attorney Kurta-

This case is coming up for Jury Status on 8/20 and Jury Trial 8/24. I just saw that you were added on to it so I am wondering if you want to try to touch base sometime soon to see where we are at since you and I have not discussed that case at all?

Thanks,
Brian
608-513-2114

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Mon, Aug 10, 2026 at 7:25 AM
To: Brian Severson <brian@seversonsmead.com>

Based on my review of the case notes, it appears that a misdemeanor resolution may have been possible at one point. That's where I think we are at. I don't yet know if that is still the case on our end, I have to confer with a few people on that.

[Original PDF page 1 - continued]

From: Brian Severson <brian@seversonsmead.com>
Sent: Friday, August 7, 2026 3:44 PM
To: Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Subject: Mathiew R. Fox: 25CF1639

You don't often get email from brian@seversonsmead.com. Learn why this is important

Brian Severson <brian@seversonsmead.com>
Mon, Aug 10, 2026 at 9:10 AM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Ok thanks. If a misdemeanor resolution may be possible, I think a starting point would be trying to sort out the restitution. I'm somewhat confused about the restitution request, exactly what it is asking for, and what it is based on. If we could reach an agreement on the restitution amount I would be looking to try to have that paid by my client up front with some kind of plea/sentencing recommendation based on that.

It still may be a longshot to find agreement here, but I think that might be the best starting point anyways.

Thanks,
Brian
608-513-2114

[Original PDF page 1 - continued]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Wed, Aug 12, 2026 at 9:59 AM
To: Brian Severson <brian@seversonsmead.com>

The restitution request is for PTO the victim had to use to take off from work to attend court, etc. As for a resolution, I can make a few options:

[Original PDF page 2]

1. Plead to all counts, enter into 12 month DPA, pay restitution, at the end State will dismiss all Counts but Count 2. State will recommend a fine plus costs as sentence.

2. Pay restitution up front. Plead guilty to Count 5, DRI remainders. State will recommend a fine plus costs as to sentence.

Brian Severson <brian@seversonsmead.com>
Wed, Aug 12, 2026 at 2:35 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Thank you. I will discuss with my client. I just wanted to confirm the restitution amount you would be seeking. I see one part of her request being $2566.80 for missed hours, but then right next to that it says $3500 conservatively. It also says $750 for bodily injury. Then on the grand total section it references $15,000. Any thoughts on what the up-front restitution payment would actually be from your perspective?

Thanks,
Brian
608-513-2114

[Original PDF page 2 - continued]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Wed, Aug 12, 2026 at 2:54 PM
To: Brian Severson <brian@seversonsmead.com>

The official request is for $4250. Anything else isn't valid for a restitution request. That's what we have on the restitution petition and the order that's ready to file at sentencing.

[Quoted text hidden]

Brian Severson <brian@seversonsmead.com>
Wed, Aug 12, 2026 at 3:03 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Great thanks that makes things simpler.

[Quoted text hidden]

Brian Severson <brian@seversonsmead.com>
Mon, Aug 17, 2026 at 7:05 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Hi Vincent-

I have been able to review the restitution and the offer with Mr. Fox.

As to the restitution request, it looks like $750 is for "bodily injury", and $3500 is for "wage loss", at least from the sheet I received, to get to the $4250 total. For the bodily injury there is reference to copays for mental health care but no documentation. The wage loss verification form shows 72 hours at $35.65 for $2566.80, so I am not sure where the $3500 comes

[Original PDF page 2 - continued]

from. Also, 72 hours seems pretty high for what I believe has been 5 court appearances so far. 14.4 hrs per hearing.

Regardless, from my discussions with Mr. Fox he will agree to pay that $4250 up front if the rest of the agreement can be sorted out. His biggest concern is the judge jumping an agreement for fine/costs on a misdemeanor, which I think is justified with the way she addressed him at the last hearing, and the likelihood Ms. White will state her disagreement with a fine/costs disposition.

He would pay the restitution up front for an amendment to an ordinance violation or violations, so the judge couldn't add jail/probation.

Please let me know what you think or if you would like to discuss.

Thanks,
Brian
608-513-2114

[Original PDF page 3]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Wed, Aug 19, 2026 at 12:44 PM
To: Brian Severson <brian@seversonsmead.com>

I have access to email but not my files. I believe we can work this out. Tomorrow we may or may not have an agreement at the jury status time (I though think we can figure it out in the morning via email) but we should have an agreement so as not to go to trial.

[Quoted text hidden]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Wed, Aug 19, 2026 at 2:21 PM
To: Brian Severson <brian@seversonsmead.com>

It has to be a misdemeanor resolution though. I'm not concerned about any jail or probation, but of course neither of us control that. I think the payment of restitution will make things work out.

[Quoted text hidden]

Brian Severson <brian@seversonsmead.com>
Wed, Aug 19, 2026 at 6:47 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

The misdemeanor conviction is the issue for Mr. Fox though, so I think we are stuck.

[Quoted text hidden]

[Original PDF page 3 - continued]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Thu, Aug 20, 2026 at 7:26 AM
To: Brian Severson <brian@seversonsmead.com>

I think we can do a DC with restitution paid up front. We can amend Count 1 to DC and dismiss/read in the remainder, with a joint recommendation for a fine to that amended count.

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 10:22 AM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Hi Vincent-

I am working on this here and will let you know as soon as i can confirm something from my end.

Thanks
Brian
608-513-2114

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 11:44 AM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Hi Vincent-

I am still working on this. I am going to spitball a little with you because I think with where we are at

[Original PDF page 3 - continued]

we should absolutely not be having a jury trial on this case.

Would you consider this: instead of read-ins, amended information with only 1 Count of Disorderly Conduct without enhancers and using just the language "otherwise disorderly" in the charging. With a date range that encompasses all of the current charges. Plead no contest, joint rec fine/costs. Restitution up front.

Thanks
Brian
608-513-2114

[Quoted text hidden]

[Original PDF page 4]

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Thu, Aug 20, 2026 at 11:51 AM
To: Brian Severson <brian@seversonsmead.com>

No, we have to dismiss and read in everything, especially if Count 1 is amended to a DC. I would get a complaint to the board from the victim if we give the case away.

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 11:52 AM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Understood

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 12:39 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Is there an issue with a no contest plea?

Kurta, Vincent <Vincent.Kurta@da.wi.gov>
Thu, Aug 20, 2026 at 12:40 PM
To: Brian Severson <brian@seversonsmead.com>

Yes, judge doesn't take those

[Original PDF page 4 - continued]

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 12:40 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Dang it. Ok

[Quoted text hidden]

Brian Severson <brian@seversonsmead.com>
Thu, Aug 20, 2026 at 12:45 PM
To: "Kurta, Vincent" <Vincent.Kurta@da.wi.gov>

Will it be a problem from your perpective for me to ask the court to consider accepting a no contest plea?

[Quoted text hidden]

[Original page 1]

Case 2021FA000047 | Document 201
Scanned 09-22-2025 | Page 1 of 5
[Handwritten margin notation: 2]

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY

FAMILY COURT BRANCH THREE

In Re the Marriage of:

Sarah A. Fox, Petitioner
and
Mathiew R. Fox, Respondent

CASE NUMBER: 2021FA47

HONORABLE Heather Iverson

[Filing stamp:]
FILED
SEP 22 2025
REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

NOTICE OF MOTION AND MOTION IN LIMINE TO EXCLUDE TESTIMONY OF

(Hollie Elizabeth White - Pathways Consulting)

STATE OF WISCONSIN)
COUNTY OF KENOSHA)

PLEASE TAKE NOTICE that the Respondent, Mathiew R. Fox, will and hereby does move this Court for an order excluding the testimony of Hollie (Hollie Elizabeth) White at trial. This motion will be

[Original page 1 - continued]

heard at the commencement of trial or at such other time as the Court may direct.

MOTION

Respondent respectfully moves the Court for an order in limine precluding Petitioner from calling Hollie White as a witness in this matter.

GROUNDS

This motion is brought pursuant to the Wisconsin Rules of Evidence, including but not limited to Wis. Stat. §§ 904.02, 904.03, 904.04, 906.08, and 805.07(3), and the Court's inherent authority to manage the admission of evidence and protect due process.

1. Irrelevance (Wis. Stat. § 904.02).

Hollie White has no direct knowledge of Respondent's current parenting or the best interests of the children. Her connection to this case arises from a personal relationship that ended years ago and from her

[Original page 2]

role as a Pathways/PSG employee. She does not offer evidence bearing on the statutory custody factors under § 767.41.

2. Unfair Prejudice and Confusion (Wis. Stat. § 904.03).

Hollie White has an active Temporary Restraining Order against Respondent through February 2026. Her testimony therefore carries an unavoidable aura of adversarial hostility and risks converting this custody case into a referendum on collateral TRO matters. Admitting her testimony would confuse the issues, mislead the Court, and result in unfair prejudice substantially outweighing any probative value.

3. Improper Character Evidence (Wis. Stat. § 904.04).

Petitioner seeks to weaponize Hollie White's prior TRO filings and police complaints as substantive proof of Respondent's character or alleged dangerousness. Such use constitutes impermissible propensity evidence under § 904.04(1) and must be excluded.

[Original page 2 - continued]

4. Bias and Motive (Wis. Stat. § 906.08).

Hollie White is not a neutral witness. She has a documented history of false reporting to law enforcement in connection with this case, with the clear purpose of attempting to have Respondent arrested and jailed. She has a personal relationship with Petitioner, and the record shows coordinated efforts between them to discredit Respondent. Her employment at PSG/Pathways — a provider system repeatedly flagged by prior counsel Heather Nelson and Mary Losey as conflicted — underscores the depth of her bias.

5. Unreasonable and Oppressive Subpoena (Wis. Stat. § 805.07(3)).

The subpoena commanding Hollie White's testimony is unreasonable and oppressive because it seeks evidence that is irrelevant, cumulative, and prejudicial. The subpoena's purpose is not to advance the children's best interests but to carry forward a campaign of character assassination against Respondent.

ARGUMENT

Wisconsin law requires trial courts to exclude evidence that is irrelevant, unduly prejudicial, cumulative, or designed to confuse the issues. See Wis. Stat. §§ 904.02,904.03, 904.04. Courts also retain discretion to quash subpoenas that are unreasonable or harassing. Wis. Stat. § 805.07(3).

[Original page 3]

Allowing Hollie White to testify would import collateral issues (expired or active TROs, false police reports, personal grievances) into this custody matter. These are not legitimate considerations under Wis. Stat. § 767.41's best-interest factors. Admitting such testimony would deny Respondent a fair trial and would constitute an erroneous exercise of discretion subject to appellate reversal. See Johnson v. Johnson, 2007 WI App 206 (custody orders may be reopened where fraud or misconduct infects proceedings).

Further, because Hollie White's bias and hostility are inherent and ongoing (through her still-active TRO), any testimony she offers risks impermissibly shifting the focus away from the children and onto Respondent's character. This is precisely the type of confusion and unfair prejudice that § 904.03 is designed to prevent.

RELIEF REQUESTED

For the foregoing reasons, Respondent respectfully requests that the Court:

1. Exclude Hollie (Hollie Elizabeth) White as a witness at trial and quash the subpoena served upon her;
2. Preclude any reference to or reliance on her TRO filings, police complaints, or Pathways/PSG involvement as substantive evidence;

[Original page 3 - continued]

3. In the alternative, issue a protective order strictly limiting the scope of her testimony to exclude:

   o any mention of TRO filings or pending orders;

   o any police reports or allegations not reduced to certified judgments;

   o any statements attributed to the children through her; and

   o any opinion testimony about Respondent's credibility or parental fitness;

4. Grant such other and further relief as the Court deems just and proper.

[Original page 4]

Case 2021FA000047 | Document 201
Scanned 09-22-2025 | Page 4 of 5
[Handwritten margin notation: 2]

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY

FAMILY COURT BRANCH THREE

In Re the Marriage of:

Sarah A. Fox, Petitioner
and
Mathiew R. Fox, Respondent

CASE NUMBER: 2021FA47

HONORABLE Heather Iverson

[Filing stamp:]
FILED
SEP 22 2025
REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

AFFIDAVIT

STATE OF WISCONSIN)
COUNTY OF KENOSHA)

I, Mathiew R. Fox, declare under oath as follows:

- Hollie White has an active TRO against me through February 2026.
- Hollie White has a history of false reporting to law enforcement, including police reports intended to criminalize me and disrupt my role as a parent.

[Original page 4 - continued]

- Hollie White and Petitioner Sarah Fox have a personal history with one another, and their actions show coordinated efforts to undermine me in this litigation.
- Despite warnings by my prior attorneys (Heather Nelson and Mary Losey) that PSG/Pathways posed a conflict of interest due to Hollie White's employment, Petitioner and her counsel continued to use those providers.

[Original page 5]

- Hollie White's testimony is irrelevant to the best interests of my children, unfairly prejudicial, and cumulative.
- Her presence in these proceedings is an act of character assassination, not legitimate evidence.

I declare under penalty of perjury under the laws of the State of Wisconsin that the foregoing is true and correct.

Dated this 22 day of September, 2025.

[The month was corrected by hand to September; the prior entry is crossed out.]

s/ Mathiew R. Fox
Mathiew R. Fox
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
mathiew.fox@gmail.com

Subscribed and sworn to before me this 22nd day of September, 2025.

Notary Public, State of Wisconsin
My commission expires: April 21, 2026

s/ Phillip Kuszel

[Notarial seal:]
Phillip Kuszel
NOTARY PUBLIC
STATE OF WISCONSIN

[Original page 1]

Case 2021FA000047 | Document 203
Scanned 09-22-2025 | Page 1 of 5
[Handwritten margin notation: 1]

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY

FAMILY COURT BRANCH THREE

In Re the Marriage of:

Sarah A. Fox, Petitioner
and
Mathiew R. Fox, Respondent

CASE NUMBER: 2021FA47

HONORABLE Heather Iverson

[Filing stamp:]
FILED
SEP 22 2025
REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA

(Hollie Elizabeth White - Pathways Consulting)

STATE OF WISCONSIN)
COUNTY OF KENOSHA)

PLEASE TAKE NOTICE that the Respondent, Mathiew R. Fox, will and hereby does move this Court for an order quashing the subpoena issued to Hollie (Hollie Elizabeth) White, Pathways Consulting / PSG, on the grounds set forth below. This motion

[Original page 1 - continued]

will be heard at the commencement of trial or such other time as the Court directs.

MOTION

Respondent respectfully moves the Court to quash the subpoena commanding Hollie White's appearance and testimony pursuant to Wis. Stat. § 805.07(3).

GROUNDS

1. Unreasonable and Oppressive (Wis. Stat. § 805.07(3)).

The subpoena seeks to compel testimony from an individual who is an active adversary against Respondent by virtue of an outstanding Temporary Restraining Order in her favor, effective until February 2026. Compelling her testimony is inherently oppressive, as she cannot serve as a

neutral witness but rather as a litigating adversary with a personal stake in Respondent's discrediting.

2. Irrelevance (Wis. Stat. § 904.02).

Hollie White has no personal, probative information bearing on the statutory best-interest factors under Wis. Stat. § 767.41. Her TRO filings and prior police complaints are collateral matters that do not aid the Court in determining custody or placement.

3. Unfair Prejudice and Confusion (Wis. Stat. § 904.03).

Any testimony from Hollie White would confuse the issues by importing a separate TRO case and personal disputes into this custody matter. The danger of unfair prejudice substantially outweighs any probative value.

4. Improper Character Evidence (Wis. Stat. § 904.04).

The purpose of her testimony would be to imply Respondent's bad character or dangerousness based on her TRO filings or prior police complaints. Such use is impermissible propensity evidence under § 904.04(1).

[Original page 2 - continued]

5. Bias and Collusion (Wis. Stat. § 906.08).

Hollie White is biased and motivated against Respondent. She has a history of filing or influencing false police reports in concert with Petitioner Sarah Fox. The record reflects her personal relationship with Petitioner and their coordinated efforts to undermine Respondent. Her employment with PSG/Pathways — a provider already identified by prior counsel as conflicted — underscores her lack of neutrality.

ARGUMENT

Wisconsin courts have broad authority under Wis. Stat. § 805.07(3) to quash or modify a subpoena that is unreasonable, oppressive, or seeks irrelevant evidence. Where a subpoena is used not to elicit probative facts but to harass, prejudice, or stack the deck, quashing it is the proper remedy.

Here, Hollie White's role is not that of a neutral provider but of an adversarial party with a still-active TRO. Her testimony would inject collateral, prejudicial issues into this custody case, confuse the best-interest analysis, and unfairly taint the proceedings. Allowing her to testify would constitute an erroneous exercise of discretion, warranting reversal on appeal.

RELIEF REQUESTED

Respondent respectfully requests that the Court enter an order:

1. Quashing the subpoena issued to Hollie (Hollie Elizabeth) White in its entirety as unreasonable, oppressive, irrelevant, and prejudicial;
2. Prohibiting Petitioner from calling Hollie White as a witness at trial; and
3. Granting such other and further relief as the Court deems just and proper.

[Original page 4]

Case 2021FA000047 | Document 203
Scanned 09-22-2025 | Page 4 of 5

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA COUNTY

FAMILY COURT BRANCH THREE

In Re the Marriage of:

Sarah A. Fox, Petitioner
and
Mathiew R. Fox, Respondent

CASE NUMBER: 2021FA47

HONORABLE Heather Iverson

[Filing stamp:]
FILED
SEP 22 2025
REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

AFFIDAVIT

STATE OF WISCONSIN)
COUNTY OF KENOSHA)

I, Mathiew R. Fox, declare under oath as follows:

- Hollie White has an active Temporary Restraining Order against me until February 2026.
- Hollie White has a history of false police reporting connected to this case.

[Original page 4 - continued]

- She has a personal relationship with Petitioner Sarah Fox, and both have coordinated efforts to discredit me.
- Despite warnings from my prior attorneys about conflicts of interest at PSG/Pathways, Petitioner continued using those providers where Hollie White is employed.
- Her testimony would not aid the Court in determining custody but would prejudice me through collateral character evidence.

I declare under penalty of perjury that the foregoing is true and correct.

[Original page 5]

Case 2021FA000047 | Document 203
Scanned 09-22-2025 | Page 5 of 5
Dated this 22 day of September, 2025.

[The month was corrected by hand to September; the prior entry is crossed out.]

s/ Mathiew R. Fox
Mathiew R. Fox
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
mathiew.fox@gmail.com

Subscribed and sworn to before me this 22nd day of September, 2025.

Notary Public, State of Wisconsin
My commission expires: April 21, 2026

s/ Phillip Kuszel

[Notarial seal:]
Phillip Kuszel
NOTARY PUBLIC
STATE OF WISCONSIN

Dkt. 31-1, p. 3

EXHIBIT LIST — EXCERPT

State of Wisconsin, Circuit Court, Kenosha County

In re the marriage of Sarah Fox and Mathiew Fox
Case No. 2021FA000047

Document 221; scanned September 29, 2025. Court Trial; September 29, 2025.

P14 — Kenosha Police department summary

Offered By: PE. Received: X.

P15 — Anderson & Anderson bill statement

Offered By: PE. Received: X.

P16 — DSPS complaint

Offered By: PE. Received: X.

[Excerpt: other exhibit rows and unused administrative columns omitted. The entry numbers, descriptions, and Received markings above reproduce the source.]

[Source PDF page 2]

Dist. Ct. 2:26-cv-00797-BHL, Dkt. 14-1, p. 192 of 192; filed 06/02/26.

New submission from Contact Us | Mathiew Fox

Pathway's Website <noreply@pathwaysconsultingllc.com>

Mon, Jul 28, 2025 at 7:49 PM

To: info@pathwaysconsultingllc.com, anarens@pathwaysconsultingllc.com

FULL NAME: Mathiew Fox

EMAIL ADDRESS: mathiew.fox@gmail.com

PHONE NUMBER: 262-203-3109

MESSAGE

DATE: 7/28/2025

SUBJECT: Preservation Notice - Legal Hold Regarding Therapy Records

TO: Director of Records and Compliance - Pathways Consulting & PSG

RE: Pending Legal Matter - Therapy Involvement Concerning Minors in Family Case No. 2021FA000047 (Kenosha County)

This letter is to inform you that I, Mathiew R. Fox, am actively preparing civil and federal legal filings regarding multiple violations that intersect with your organization, namely the alleged involvement of Hollie Elizabeth White - a former party affiliated with Pathways - and therapy-related information and access involving my children.

[Source PDF page 2 - continued]

Pursuant to your obligations under federal law and HIPAA retention rules, you are instructed to preserve the following immediately:

• All therapy session records, summaries, and logs involving [Child 1: [redacted] and [Child 2: [redacted]

• Any and all notes, messages, emails, or records referencing:

o Hollie Elizabeth White

o Stephanie McIntosh (Guardian ad Litem)

o Sarah A. Fox

o Thomas Anderson, Law Offices

o Mary Losey - Attorney

• Internal emails, logs, or communications related to GAL contact or therapist input into family court

• Access records to all confidential files or case notes (whether authorized or not)

Please be advised this notice constitutes a litigation hold, and destruction or alteration of any records may constitute obstruction of justice, evidence tampering, or HIPAA violation exposure.

Kindly confirm in writing that all data and records described above are preserved. You will be contacted by legal counsel or the court for further instructions.

Sincerely,

Mathiew R. Fox

2726 83rd Street, Kenosha, WI 53143

mathiew.fox@gmail.com | 262-203-3109

Dkt. 75-2, p. 7

CRIMINAL DOCKET — CASE SUMMARY

Kenosha County Case No. 2025CF001639
State of Wisconsin vs. Mathiew R. Fox

Snapshot: 9/21/26, 3:25 AM.
Filing date: 11-14-2025.
Case status: Closed - Electronic filing.
Branch 7; DA case number 2025KN001815.

Defendant date of birth: [redacted]
Address: [redacted]

Responsible official: Meier, Jodi L.
Prosecuting agency: District Attorney.
Prosecuting agency attorney: Kurta, Vincent S.

Count 1: 947.01(1), Disorderly Conduct, Misd. B — Guilty Due to Guilty Plea.

Count 2: 813.125(7), Violate/Harassment Restraining Order, Misd. U — Charge Dismissed but Read In.

Count 3: 942.01(1), Defamation, Misd. A — Charge Dismissed but Read In.

Counts 4 and 5: each 813.125(7), Violate/Harassment Restraining Order, Misd. U — Charge Dismissed but Read In.

[Selected case-summary fields. Other personal, attorney, and balance fields omitted; source redactions retained.]

Dkt. 75-2, pp. 7–9

CRIMINAL DOCKET — ENTRIES

2025CF001639. Snapshot: 9/21/26, 3:25 AM.

[Dates and entries retained in source order. Assessment Report, payment identifiers, and administrative routing notes omitted.]

Date	Docket entry
09-17-2026	Check/Disbursement — $4,250.00. Restitution released to victim.
08-28-2026	Judgment of conviction
08-28-2026	Cash bond applied — $5,000.00
08-27-2026	Transcript — Plea/Sentencing Hearing - 8/20/26
08-27-2026	Letters/correspondence
08-25-2026	Order
08-24-2026	Request — for Transcript 8/20/2026 hearing
08-24-2026	Proposed Order
08-24-2026	Motion to withdraw as counsel
08-24-2026	Notice of intent to pursue post-conviction relief
08-24-2026	Restitution order — Restitution stipulated to by the defendant and to be released forthwith
08-21-2026	Amended information
08-20-2026	Dispositional order/judgment
08-20-2026	Proposed Order — for Restitution
08-20-2026	Petition — for Restitution Order

Dkt. 75-2, p. 9

CRIMINAL DOCKET — ENTRIES (CONT.)

2025CF001639. Snapshot: 9/21/26, 3:25 AM.

Date	Docket entry
08-20-2026	Notice — of DNA Collection
08-20-2026	Fine due slip
08-20-2026	Appeal rights/info on postconviction relief
08-20-2026	Plea questionnaire, waiver of rights — and elements
08-20-2026	Plea/sentencing hearing
08-11-2026	Witness list - plaintiff
07-23-2026	Witness list - plaintiff
05-26-2026	Transcript — Motion Hearing - 5/6/26
05-15-2026	Request — Request for Transcript from DE
05-06-2026	Motion hearing

[Hearing text follows. Administrative routing notes omitted.]

Dkt. 75-2, p. 9

CRIMINAL DOCKET — HEARING TEXT

2025CF001639. Snapshot: 9/21/26, 3:25 AM.

08-20-2026 — Plea/sentencing hearing

Court official: Meier, Jodi L.
Court reporter: Bish, Brady.

1:31 PM Attorney Vincent Kurta appeared for the State. DE appears in person with Atty Brian Severson. Victim present in court. Clerk P. Scypta.

MINUTES: Matter is resolved. Amended information filed. Victim rights compliance. DE enters plea of guilty to amended Ct1 - found guilty by the Court. Remaining counts dismissed and read-in. Restitution stipulated in the amount of $4,250.00 to victim - to be paid from bond on deposit. Remainder may be returned to poster. Victim statement. Sentence recommendations. Court orders a $500 fine plus costs. Defendant is ordered to submit to a DNA sample & pay the surcharge, notice given to def. in court. Appeal rights given.

Dkt. 75-2, p. 9

05-06-2026 — Motion hearing

Court official: Meier, Jodi L.
Court reporter: Bish, Brady.

Attorney Ismael El-Hassan appeared for the State. Defendant appeared in court in person and w/ Attorney Severson. Clerk/S. Garcia. Attorney Severson's motion to dismiss; arguments heard. The Court denies the motion. Attorney Severson requests a jury trial.

Jury status hearing scheduled for August 20, 2026 at 01:00 pm.

Jury trial scheduled for August 24, 2026 at 08:30 am.

[Source PDF page 6]

Dist. Ct. Dkt. 75-2, p. 19 of 68; filed 09/22/26. Email printout p. 4 of 8.

Counselors,

I am writing regarding Professional Services Group's September 3, 2026 written denial of my request for M.F.'s treatment records, which was transmitted to me on September 8.

I routed this request through PSG's counsel specifically to avoid any dispute concerning direct communications with PSG personnel. This remains a records-access matter, not a discovery request.

PSG's letter cites 45 C.F.R. § 164.502(g)(5) and generally states that records may be withheld where access could endanger a minor or compromise the minor's safety. It further states that access is restricted where a parent's "legal custody or physical placement rights have been modified" and concludes that PSG cannot release any records to me without an explicit certified circuit-court order.

That response does not adequately identify the legal basis for the categorical denial.

Wisconsin law expressly provides:

"Except under par. (b) or unless otherwise ordered by the court, access to a child's medical, dental and school records is available to a parent regardless of whether the parent has legal custody of the child."

Wis. Stat. § 767.41(7)(a).

The statutory exception in § 767.41(7)(b) concerns a parent who has been denied periods of physical placement, not merely a parent whose legal custody

[Source PDF page 6 - continued]

has been modified or whose placement is supervised. Section 51.30(5)(bm) likewise applies to a parent who has been denied physical placement under Wis. Stat. §§ 767.41(4)(b) or 767.451(4).

I have not been denied all periods of physical placement. The operative Final Order grants me supervised secondary physical placement. Accordingly, PSG's statement that records access becomes restricted simply because custody or placement rights have been "modified" appears materially broader than the language enacted by the Wisconsin Legislature.

If PSG contends that some other operative court order expressly prohibits my access to M.F.'s records, please identify the specific order, date, docket number, and operative language. I previously requested that information. None has been identified.

PSG's reliance upon 45 C.F.R. § 164.502(g)(5) also requires clarification. That provision does not authorize withholding merely because custody has changed. It permits a covered entity, in qualifying abuse, neglect, or endangerment circumstances, not to treat a person as the individual's personal representative where the regulatory conditions are satisfied, including an exercise of professional judgment that treating that person as the representative would not be in the individual's best interest.

Accordingly, please state expressly:

1. Whether PSG is relying upon § 164.502(g)(5)(i)(A)(1), § 164.502(g)(5)(i)(A)(2), or both;

[Source PDF page 6 - continued]

2. Whether PSG made the professional-judgment determination required by § 164.502(g)(5)(i)(B);

3. Whether PSG contends that I am legally disqualified from acting as M.F.'s personal representative under Wisconsin law, federal law, a court order, or some combination of those authorities;

4. The specific Wisconsin statute, court order, or other authority PSG contends permits complete denial of my access despite Wis. Stat. § 767.41(7)(a); and

5. Whether PSG is instead treating the September 3 letter as a denial under 45 C.F.R. § 164.524.

That final distinction matters. If PSG is proceeding under § 164.524 and asserting a reviewable substantial-harm or safety determination, federal law provides a mechanism for review by a licensed health-care professional who did not participate in the original denial. A written denial under § 164.524 must also identify its basis, applicable review rights, and the procedure for complaining to the covered entity or the Secretary. 45 C.F.R. § 164.524(a)(3)-(4), (d)(2), (d)(4).

To the extent PSG's denial is reviewable under § 164.524. please treat this correspondence as my formal request for that review. If PSG contends that no review right exists because it is proceeding exclusively under § 164.502(g)(5), please state that position expressly.

Email printout p. 5 of 8; printed 9/21/26 at 2:51 AM. Filing footer excluded in supplied source.

The request was also broader than psychotherapy notes. I requested intake and referral materials, assessments, treatment plans, attendance and scheduling records, authorizations and consent forms, provider correspondence, referrals, discharge documentation, and other records maintained in M.F.'s file. Federal law separately excludes psychotherapy notes from the ordinary HIPAA access right, but that exception does not automatically convert an entire designated record set into psychotherapy notes. Where a lawful basis exists to deny only particular protected information, § 164.524(d)(1) requires access, to the extent possible, to the remaining requested information.

Accordingly, even if PSG maintains that a particular category is lawfully withheld, I request immediate production of all segregable and non-exempt portions of M.F.'s record.

I am not requesting that PSG disclose privileged communications between PSG and its attorneys, nor am I asking PSG to disclose confidential clinical reasoning beyond what the law requires. I am asking PSG and its counsel to identify the actual legal predicate for depriving a parent with existing court-ordered physical placement of access to his child's records.

PSG has also previously been placed on preservation notice. Please continue preserving the complete underlying record, including the initial referral and

intake materials, authorizations, treatment records, correspondence, and records concerning the processing and disposition of my access request.

Because this issue has already been pending and PSG has now issued an express denial, please provide the requested clarification, review information, and all segregable records no later than 5:00 p.m. on Friday, September 11, 2026.

If PSG maintains its categorical refusal, please say so directly and identify the complete legal basis. I will then place the written denial and PSG's stated legal position before the circuit court and seek a specific order resolving access under Wis. Stat. § 767.41(7), together with any other appropriate judicial or administrative review.

I would prefer to resolve this without additional litigation. But an unexplained categorical refusal cannot remain the final answer where the operative family-court order grants physical placement and Wisconsin law expressly provides records access regardless of legal custody unless a statutory exception or specific court order applies.

This correspondence will be uploaded into the family court docket, and also used in OCR/HHS Civil rights Complaint, US Supreme Court, and Federal Court litigation

Respectfully,

Mathiew Fox

'Lex Vinicit Tenebras'

M 262-203-3109

E Mathiew.fox@gmail.com

Dkt. 75-2, p. 20 (continued)

On Tue, Sep 8, 2026 at 9:20 AM Leah Featherstone <LFeatherstone@psgcip.com> wrote: Hi Mathiew, Attached is a letter responding to your records request for M.F. Please note that we do not have any records for E.F. Thank you,

Leah Featherstone, Psy.D. Clinical Psychologist Vice President of Clinical Operations

Professional Services Group

262-652-2406

Dkt. 75-2, p. 21

September 7, 2026 email; filing footer excluded in supplied source.

From: Mathiew Fox <mathiew.fox@gmail.com>

Sent: Monday, September 7, 2026 12:14 PM

To: dmurphy@reinhartlaw.com; jrejowski@reinhartlaw.com; shobbs@reinhartlaw.com; Mathiew Fox <mathiew.fox@gmail.com>; Leah Featherstone <LFeatherstone@psgcip.com> Subject: Fwd: records request

Good Afternoon Counselors -

I have already followed up with Ms. Featherstone, and have not heard back.

I want to clarify one point - this is not a discovery request. I am requesting records through you because you represent Professional Services Group and because prior direct contact with Professional Services Group personnel has been characterized as improper and "Harassing". This is documented in the criminal complaint Discovery that I currently have. I am attempting to avoid that issue entirely by routing the request through counsel.

There is no operative order prohibiting my access to the records requested. If PSG believes otherwise, please identify the specific order and operative language that restricts disclosure.

I have attached the prior record so there is no ambiguity about the history. In 2025, PSG was placed on preservation notice. Document 173 expressly identified the "Records Custodian,

Dkt. 75-2, p. 21 (continued)

Professional Services Group" and the litigation-hold issue.

I do not want to initiate additional litigation merely to obtain records to which I maintain I am lawfully entitled, nor should my access to information necessary to exercise and protect my parental rights be impaired by continued delay.

Please provide the requested records, any routine authorization needed to release them, or the specific legal basis for withholding them by Friday, September 11, 2026. If PSG does not intend to produce them, please state that directly so I can address the issue through the proper court process.

I have documented everything in this case, with date and time stamps. I just want this issue resolved.

(Attached are the filed court documents)

Respectfully,

Mathiew Fox

'Lex Vinicit Tenebras'

M 262-203-3109

E Mathiew.fox@gmail.com

Dkt. 75-2, p. 22

September 3, 2026 email; filing footer excluded in supplied source.

From: Mathiew Fox <mathiew.fox@gmail.com>

Date: Thu, Sep 3, 2026 at 8:10 AM

Subject: Re: records request

To: Leah Featherstone <LFeatherstone@psgcip.com>

Hi Dr. Featherstone,

Thank you for getting back to me and for your willingness to assist.

The children's information is: [redacted]

To clarify the scope of my request, I am requesting the complete records maintained by Professional Services Group concerning [redacted] and [redacted] from the initial referral/intake through the present, rather than records from only a particular treatment date.

Specifically, I am requesting copies of:

- all referral and intake records;
- intake questionnaires, histories, assessments, evaluations, and screening materials;
- treatment plans and treatment recommendations;
- progress notes, psychotherapy/clinical notes to the extent releasable, and other provider notes;
- records reflecting appointments, attendance, cancellations, or scheduling;
- releases, authorizations, consent forms, and other documents signed or received in connection with their care;

Dkt. 75-2, p. 22 (continued)

• correspondence, referrals, reports, or records received from or provided to other professionals concerning the children;

• discharge, transfer, closing, or termination documentation, if any; and

• any other clinical or treatment records maintained as part of [redacted]'s files.

I am particularly interested in preserving the initial intake and referral materials, including records generated or received before treatment actually began, so I do not want those materials inadvertently excluded by limiting the request to progress notes or a particular date range.

If there are categories of records that PSG maintains separately from the clinical chart, or records that you believe require a different authorization or procedure, please let me know and I will address that separately.

Electronic copies are perfectly fine.

Thank you again for your assistance.

Respectfully,

Mathiew Fox

M 262-203-3109

E Mathiew.fox@gmail.com

'Lex Vinicit Tenebras'

On Sep 2, 2026, at 5:46 PM, Leah Featherstone <LFeatherstone@psgcip.com> wrote:

Hi Mathiew,

Dkt. 75-2, p. 23

Dist. Ct. Dkt. 75-2, p. 23 of 68; filed 09/22/26. Email printout p. 8 of 8; printed 9/21/26 at 2:51 AM.

I was forwarded your email to Reinhart Law office regarding a records request for your children, [redacted] and [redacted]. If you can, please provide me with each child's date of birth and let me know what records you're looking for. Would you like notes from a particular date range? Your email asks for "intake treatment and medical records" so just let me know more specifically what you'd like us to send, and I can start getting them together. Thanks,

Leah Featherstone, Psy.D.

Clinical Psychologist

Vice President of Clinical Operations

Professional Services Group

262-652-2406

[Source PDF page 11]

Dist. Ct. Dkt. 75-2, p. 24 of 68; filed 09/22/26.

Date: 9/3/26

To: Mathiew Fox

Re: Record Request for [redacted], [redacted]

Please be advised that your request to access or copy the mental health treatment records of the above-named minor child is denied.

Under federal privacy regulations (45 CFR 164.502(g)(5)) and Wisconsin state privacy protections, a healthcare provider may withhold records from a parent if there is a reasonable clinical or legal belief that granting access could endanger the minor or compromise their safety. Furthermore, access to a minor child's medical and treatment records is restricted if legal custody or physical placement rights have been modified by a court.

Our organization cannot release these records without an explicit, certified court order from a Wisconsin circuit order directing the release of these specific mental health treatment files to you.

Sincerely,

s/ Leah Featherstone

Leah Featherstone, Psy.D. Vice President of Clinical Operations Professional Services Group

[Source PDF page 12]

Dist. Ct. Dkt. 75-2, p. 25 of 68; filed 09/22/26. KPD report p. 2 of 2.

KENOSHA POLICE - FIELD CASE REPORT

Case 2025-00044898

NARRATIVE

On 9/2/2025 at approximately 2259 hours I, Ofc. Payne #766 in full KPD patrol uniform, in squad #4142, BWC/Squad camera active, responded to [redacted] for a Restraining Order Violation. The caller, [redacted] (VER, confirmed through booking photo) called into operations to report her ex-boyfriend Mathiew R. Fox (VER, confirmed through WI DOT) violated the protection order/injunction she has against him.

I made contact with [redacted] at her residence [redacted] Hollie wanted to report that Mathiew, her ex-boyfriend contacted her boss Lora Reinders. Hollie stated that she works at "PathwaysConsultingLLC". Lora is her supervisor at PathwaysConsulting.

It appears that Mathiew contacted Lora via email on Wednesday August 27th. The email from Mathiew stated that he was trying to follow up with Lora on his "requests" that he made since he had not heard back from Lora since August 5th. In the email log that Hollie provided me with the email stated that Mathiew requested information regarding his child. One of Mathiew's children is a client at PathwaysConsulting (where [redacted] works at). Hollie advised that she is not directly involved with any of Mathiew's child's medical records and/or

[Source PDF page 12 - continued]

information. She stated that she does not have any access to any of his child's medical history.

In the email Mathiew sent to Lora, [redacted] supervisor, he stated that he is requesting; Confirmation of a receipt, a statement affirming whether any part of that notice or its contents were disclosed and clarification of the internal protocols that PathwaysConsulting follows when handling legal notices. According to Mathiew, per the emails sent to Lora he has not lost "legal rights" to his child's medical information/history so he is requesting that Lora provide him with the information.

From the emails sent to Lora it appeared that Mathiew is requesting medical history/information regarding his child that's a client at PathwaysConsulting. Per the protection order/injunction that Hollie has against Mathiew it states that Mathiew is not allowed to have contact with [redacted] employers either.

No contact was made with Mathiew at this time. This is an informational report.

No further information to provide at this time.

End of Report

Reporting officer: Payne Jordan 766. Date: 9/2/2025.
Reviewed by: Clayton, Trevor M.J., 09/03/2025.

[Source PDF page 13]

Dist. Ct. Dkt. 75-2, p. 27 of 68; filed 09/22/26. KPD supplement p. 2 of 3.

KENOSHA POLICE - FIELD CASE SUPPLEMENT

Case 2025-00044898

SUPPLEMENTAL NARRATIVE

On 09/04/2025 I, Det. Kenesie # 472 was assigned a harassment case.

Case Summary

On 09/04/2025 I, Det. Kenesie # 472 was assigned a harassment complaint. The complainant was [redacted] and the suspect was Mathiew Fox. [redacted] reported that Mathiew sent her boss, Lora Reinders, an email in regards to Mathiew attempting to harass [redacted] provided a copy of the emails to P.O. Payne # 766.

Detective Investigation

It should be noted that there have been several complaints that [redacted] has made in reference to Mathiew Fox harassing her since in 2025. The complaints are listed below;

- 2025-00014342. 03/30/2025. The case was referred to the District Attorney's office
- 2025-00025598. 05/30/2025. The case was closed with insufficient evidence
- 2025-00038452. 07/30/2025. The case was referred to the District Attorney's office
- 2025-00040025. 08/07/2025. The case was referred to the District Attorney's office

[Source PDF page 13 - continued]

It should also be noted that on 07/14/2025 Mathiew Fox also filed a child abuse / child neglect case against [redacted]. The case number was 2025-00035176. That case was closed with without any charges.

On 08/28/2025 I received a voicemail from Lora Reinders indicating that she had received some additional emails from Mathiew Fox. I called Lora back and left her a message indicating that she could forward the messages to me, provided there was no face to face contact or phone contact with Mathiew. On 09/01/2025 I received the emails that Mathiew had sent. I did not have the opportunity to review those messages on 09/01/2025.

On 09/02/2025 [redacted] made the additional complaint and provided P.O. Payne with the same messages. I reviewed the messages and they appear to be the same. The messages that Lora provided me were in color and appear easier to read, so I included them in the report.

Case Disposition

On 09/04/2025 I spoke with Kenosha ADA Tricia Riley about the additional complaint and advised her that I will be forwarding an additional complaint against Mathiew. I am recommending that Mathiew be charged with the following;

- Violation of a Harassment Injunction - 812.125(7)

Reporting officer: Kenesie Jason 472. Date: 09/04/2025. Reviewed by: Kenesie, Jason D, 09/04/2025.

[Source PDF page 14]

Dist. Ct. Dkt. 75-2, p. 30 of 68; filed 09/22/26. Same email also at Dkt. 75-2, p. 33 (source PDF p. 17).

request

Matt Fox <mathiew.fox@gmail.com>

Wed, Aug 27, 2025 at 2:44 PM

To: Lora Reinders <lreinders@pathwaysconsultingllc.com>

Lora-

I'm following up on this request as I have not heard back from you since August 5th.

Respectfully,

Mathiew Fox

Cell: 262-203-3109

Mathiew.fox@gmail.com

Dkt. 75-2, p. 31

September 1, 2025 email, 1:53 AM; excluded filing footer not reconstructed.

request

Mathiew Fox <mathiew.fox@gmail.com> Mon, Sep 1, 2025 at 1:53 AM To: Lora Reinders <lreinders@pathwaysconsultingllc.com>

Dear Ms. Reinders,

I am in receipt of your email dated August 28, 2025. While I respect your position, the assertions in your message are legally incorrect and reflect improper handling of a lawful litigation preservation notice. I must respond to clarify my rights and your organization's obligations.

1. Parental Status

My parental rights have not been terminated under Wisconsin law. I remain a legal and biological parent of [Child 1: [redacted] and [Child 2 [redacted] Custody and placement are matters currently before the Kenosha County Circuit Court; they do not eliminate my status or rights as a parent until and unless terminated under Wis. Stat. § 48.415.

2. Right and Duty to Issue Litigation Hold

As a party in ongoing litigation involving my children's care and treatment, I have both the right and obligation to request preservation of records from service providers such as Pathways.

• The Wisconsin Court of Appeals has made clear that the duty to preserve evidence arises when litigation is pending or reasonably foreseeable, even before discovery requests are formally issued.

Insurance Co. of N. Am. v. Cease Elec. Inc., 2004 WI App 15, ¶14, 269 Wis. 2d 286, 674 N.W.2d 886.

• Likewise, destruction or failure to preserve evidence can result in sanctions regardless of intent. State v. Beloit Concrete Stone Co., 103 Wis. 2d 506, 309 N.W.2d 28 (Ct. App. 1981).

• Federal courts, which Wisconsin courts routinely find persuasive, hold the same: Zubulake v. UBS Warburg LLC, 220 F.R.D. 212 (S.D.N.Y. 2003) (litigation hold is required once litigation is anticipated).

Therefore, my notice to Pathways was not a "client request" - it was a lawful preservation demand in compliance with my duties as a litigant.

3. Improper Handling by Pathways

Your decision to treat my legal notice as personal correspondence, rather than a compliance matter, and to direct a hostile response, constitutes:

• Interference with litigation and potential spoilation risk;

• HIPAA violation if my notice was improperly routed to third parties, such as Ms. Hollie White; and

• Gatekeeping interference with my ongoing parental rights and access to a fair judicial process.

4. Continuing Obligations

To be clear:

• I am not requesting therapy services.

• I am not seeking treatment decisions.

Continuation of September 1, 2025 email; handwritten KPD number 2025-00044898.

[Handwritten notation: 2025-00044898]

• I am exercising my duty to preserve relevant records for ongoing litigation. Until a court orders otherwise, Pathways remains obligated under both state and federal law to preserve all records identified in my notice. Refusal to do so may expose the organization to court sanctions or liability.

5. Record Notice

This correspondence will be uploaded into the family court matter currently pending in Kenosha County, and it also serves as supporting evidence in my HIPAA violation case recently filed.

6. Unanswered Prior Request - Litigation Hold Protocols

On August 5, 2025 previously requested clarification of Pathways' internal procedures for handling litigation hold notices. That request has gone unanswered. I am now reiterating this request and attaching the original email chain for reference.

Accordingly, I again request in writing:

1. Confirmation of receipt of my original preservation notice;

2. A statement affirming whether any part of that notice or its contents were disclosed - verbally or in writing - to any individual not authorized to receive such information;

Dkt. 75-2, p. 32 (continued)

3. Clarification of the internal protocols Pathways follows when handling legal notices of this nature, particularly those involving potential litigation.

Your failure to provide this information to date, coupled with the hostile and dismissive response I received instead, raises serious concerns as to whether Pathways has properly discharged its obligations under both HIPAA and applicable litigation preservation law.

Conclusion

I request written confirmation within ten (10) days that Pathways will preserve all records related to my children and the individuals named in my original notice, consistent with your obligations. If this is not confirmed, I will be forced to seek judicial remedies, including sanctions and HIPAA enforcement review.

As you are aware, Ms. Hollie White's name has been introduced into the public record in connection with this litigation (including billing records and affidavits already filed with the court). For this reason, your handling of my preservation notice carries heightened legal significance, and any improper disclosure could constitute both a HIPAA violation and interference with pending proceedings.

[Source PDF page 18]

Dist. Ct. Dkt. 75-2, p. 34 of 68; filed 09/22/26. August 28, 2025 email, 1:30 PM.

Lora Reinders
<lreinders@pathwaysconsultingllc.com>
Thu, Aug 28, 2025 at 1:30 PM
To: Matt Fox <mathiew.fox@gmail.com>
What exactly are you requesting from me?

[Source PDF page 19]

Dist. Ct. Dkt. 75-2, p. 44 of 68; filed 09/22/26. Same report also at Dkt. 14-1, p. 191 (source PDF p. 1), with different redactions. This reproduction follows the more redacted p. 44 version.

KENOSHA POLICE - FIELD CASE SUPPLEMENT

Case 2025-00038452

SUPPLEMENTAL NARRATIVE

On 07/31/2025 I, Detective Kenesie # 472 was assigned an TRO Violation complaint.

Case Summary

On 07/30/2025 P.O. Keaskowski # 759 responded to 916 49th St for a restraining order violation. Upon arrival she spoke with the victim, [redacted] provided a email that was sent to White's places of employment from Matthew Fox. P.O. Keaskowski confirmed that there was an active harassment injunction that prevents Matthew Fox from contacting her.

P.O. Keaskowski confirmed with Kenosha County ADA Tombasco that there was probable cause to support an arrest of Matthew. P.O. Keaskowski attempted to make contact with Matthew Fox at [redacted] but was not able to.

On 07/31/2025 P.O. Keaskowski made phone contact with Matthew Fox, but he refused to meet with her.

Detective Investigation

I reviewed all reports in this incident. I made phone contact with [redacted] and I answered all questions that she had.

[Source PDF page 19 - continued]

Case Disposition

I am requesting that a warrant be issued for Matthew Fox for the following charge;

- Violate of Harassment Injunction - 813.125(7)

Case Closed - REF

Reporting officer: Kenesie Jason 472. Date: 07/31/2025. Reviewed by: Miller, Brian D, 07/31/2025.

[Source PDF page 20]

Dist. Ct. Dkt. 75-2, p. 46 of 68; filed 09/22/26. KPD report p. 2 of 2.

KENOSHA POLICE - FIELD CASE REPORT

Case 2025-00040025

NARRATIVE

On 08-07-2025 at approximately 2038 hours, I, Officer Clark 740, was dispatched to [redacted] for a restraining order violation.

Upon arrival, I spoke with the complainant, [redacted] (VER). Hollie stated she has a harassment injunction against Mathiew R. Fox (VER). [redacted] showed me the harassment injunction through Kenosha County case number 2022CV134, which states active until 2/21/2026. After searching Mathiew's name through NCIC, it showed an active protection order injunction through Kenosha County ORI# WI030013J.

[redacted] advised that Mathiew has been contacting her employer, Pathways Consulting, at 4633 Washington Rd in the City of Kenosha through email starting on 07-28-2025. [redacted] provided me with copies of the emails. [redacted] advised that her employer gave her the copies of the emails and notified her. It appeared in the emails Lora Reinders responded to Mathiew on July 30, 2025, and July 31, 2025. In the emails, Mathiew seems to be inquiring about receiving medical documentation regarding his children. Mathiew then sent another follow-up email to Lora on 08-05-2025 regarding a "legal notice of preservation issued to Pathways Consulting."

[Source PDF page 20 - continued]

Mathiew was arrested under case number 2025-00038452 regarding the same incident.

[redacted] stated that Mathiew made complaints to the Department of Safety and Professional Services (DSPS) in an attempt to tarnish her character and for her to lose her license through the state. [redacted] stated this is an ongoing incident and believes that Mathiew is unhinged. While I was talking with [redacted], she started crying and said that she is in fear for her safety.

There was no contact or arrest made at this time for Mathiew. There was nothing else further to report at this time. End of report.

Reporting officer: Clark Marcus 740. Date: 8/7/2025. Reviewed by: Galley, Jeffrey D, 08/07/2025.

[Source PDF page 21]

Dist. Ct. Dkt. 75-2, p. 48 of 68; filed 09/22/26. KPD supplement p. 2 of 3.

KENOSHA POLICE - FIELD CASE SUPPLEMENT

Case 2025-00040025

SUPPLEMENTAL NARRATIVE

On 08/08/2025 I, Detective Kenesie # 472 was assigned a possible restraining order violation.

Case Summary

On 08/07/2025 P.O. Clark # 740 took a complaint from the victim, [redacted]. [redacted] reported that she has an harassment injunction against Mathiew R. Fox, [redacted] reported that on 07/28/2025 Mathiew sent her employer, Pathway's Consulting an email.

[redacted] reported that on her employer, Lora Reinders responded on 07/30/2025. [redacted] reported that Mathiew responded on 07/30/2025 and that Lora again responded to that email on 07/31/2025. [redacted] reported that Mathiew again responded on 07/31/2025 and 08/05/2025. [redacted] provided the copies of the email.

[Source PDF page 21 - continued]

Detective Investigation

I reviewed the emails that were provided. The context of the emails are Mathiew requesting Pathway's Consulting requesting to preserve records because of a pending lawsuit. It should be noted that in an email that Mathiew talks about a third party that was associated with the business, has injected her into the matter. The following is posted from the email.

> "Ms. Reinders. 2025-00040025 Lora Reinders Thu, Jul 31, 2025 at 11:36 AM I want to clarify that I am not requesting any confidential mental health records at this time. Rather, I am notifying you of ongoing child custody litigation in which I am the Respondent, and where a third party- believed to be associated with your facility-has injected herself into the matter in a way that has directly impacted the proceedings.
>
> This individual is not a legal guardian of my children but has made representations, either directly or indirectly, involving my children's mental health and treatment. Based on statements made in court, information from your clinic may have been cited or mischaracterized, which could become relevant in future motions. "

I also reviewed the original restraining order 2022CV000134. The order states the following:

"The respondent avoid contact that harasses or intimidates the petitioner. Contact includes: contact at petitioner's home, work, school, public places, in

[Source PDF page 21 - continued]

person, by phone, in writing, by electronic communication or device, or in any manner"

Phone Contact with [redacted]

I called and I spoke with [redacted] about the email that was sent. [redacted] indicated to me that she is the "Third-Party" that Mathiew was referring to. [redacted] told me that Mathiew is harassing her by contacting

[Continued on the next source page.]

Reporting officer: Kenesie Jason 472. Date: 08/08/2025. Reviewed by: Barriere, Anthony K, 08/08/2025.

[Source PDF page 22]

Dist. Ct. Dkt. 75-2, p. 49 of 68; filed 09/22/26. KPD supplement p. 3 of 3.

SUPPLEMENTAL NARRATIVE (continuation)

her place of work, about her actions.

I also called Lora Reinders from Pathway's Consulting. There was no answer. I left Lora a voice mail to call me back. As of the submission of this report. Lora has not called me back.

Case Disposition

I have not had contact with Mathiew Fox. I am sending this report over to the Kenosha County DA's office for review on a charge of violating a restraining order - 813.125(7)

Case Closed - REF

Reporting officer: Kenesie Jason 472. Date: 08/08/2025. Reviewed by: Barriere, Anthony K, 08/08/2025.

[Source PDF page 23]

2021FA000047, Document 193; filed 09-12-2025; transcript p. 14 of 39.

unfamiliar with the court system. You're not unfamiliar with how to file motions. You certainly are up to date on any documentations you might or might need. You've made it quite clear that you have of host of documents or evidence. Those will all be turned over to you by Attorney Losey, if she hasn't done so already. You certainly have the right to receive all of those documents or anything that she may have.

I'm denying your request to adjourn the trial. I don't believe there is a prejudice or a bias in keeping the trial dates of September 29th and September 30th. Witnesses have already been subpoenaed, I assume, for those dates if needed. And this Court is in a criminal rotation, so finding other dates would be incredibly difficult. So those dates will remain the trial dates.

Moving on to motion filed 7-21, Motion to Compel Attorney Anderson. Attorney Anderson?

MR. ANDERSON: Should do what?

THE COURT: Compel you.

MR. ANDERSON: Compel me to do what?

THE COURT: To compile, clarify and explain reference to White in the billing statement. Anything to add to that before I get to it? It's nonsensical in terms.

MR. ANDERSON: Well, I understand. I think there was a portion of my billing statement that gave rise to the contempt motion because there was a third party that indicated

they had seen the social media posts that were in violation of this court's order. So that's what was contained in that document that I think he's complaining of. But that's all I will say to it because I think that was part of what ultimately led us to believe that we needed to file such a motion because it seemed to be a blatant disregard of the court's order.

THE COURT: Does that explain the White to you?

MR. ANDERSON: That's it.

MR. FOX: Yes, ma'am. I would object what Attorney Anderson said. I -- I never intended to be disregarding court orders. This was solely intended, as if you recall, it was intended for the judiciaries to review what has transpired from this court, given that original allegations were disproved. And I do have images proving the -- not only prior to the proceeding in November 2024, there was an image -- images that were shown to the Court presenting my entire basement. The entire original allegations.

THE COURT: You've submitted those.

MR. FOX: Yes.

THE COURT: The court has reviewed those.

MR. FOX: Yes, yes, yes, Your Honor. And so this ties into everything. Again, going back to this motion, that individual that was posed as a conflict of interest in this case is -- her last name is White.

THE COURT: Okay. So it's been clarified that White

is an individual he spoke with.

MR. FOX: I just wanted --

THE COURT: Is that correct, Attorney Anderson?

MR. FOX: -- clarification that it --

MR. ANDERSON: That's correct.

THE COURT: All right.

MR. FOX: -- that it is Hollie White. Who is --

THE COURT: Is it Hollie White, Attorney Anderson?

MR. FOX: And -- a --

MR. ANDERSON: That's correct.

THE COURT: It's Hollie White.

MR. FOX: And she works at PSG and Pathways?

MR. ANDERSON: I don't --

THE COURT: I don't know that.

MR. ANDERSON: -- know that she works right now to be honest with you.

THE COURT: Okay. Well, it's been clarified. It's a Hollie White.

MR. FOX: Okay.

THE COURT: That motion's been dealt with.

MR. FOX: Thank you very much.

THE COURT: Motion to authorize subpoena to obtain all records, --

MR. FOX: She --

THE COURT: -- visitation sessions, video footage

[Source PDF page 26]

2021FA000047, Document 312; filed 11-17-2025; transcript p. 39 of 232. Dist. Ct. Dkt. 38-1, p. 7 of 30; filed 06/17/26.

began?
A. So I filed for divorce in January. She moved in towards the end of March.
Q. Okay. Of 2000 and 20?
A. '21.
Q. One.
A. Yes.
Q. Well, you -- you were divorced on June 4th of 2021.
A. Right. Correct.
Q. So she was living with him at the time or a- --
A. Correct.
Q. Okay. All right. So are you aware of what went on during the course of their relationship? And if so, how?
A. After she had left, I would see CCAP Mathiew's name often just to see what I need to worry about what's going on, because I didn't know anything what was going on in his life, his world. So I would CCAP him. And one night I CCAPed his name and I had saw a restraining order against him, but there was no name of the individual. And I naturally assumed that it was Hollie White because she was his girlfriend for a long time.
So I reached out to her on Instagram because I was worried about the kids and wanted to know what happened. Because prior to that, he had sent me a video of Hollie giving E.F. a shower and E.F. screaming and Holly saying, "What? What happened?" I

[Source PDF page 27]

2021FA000047, Document 312; filed 11-17-2025; transcript p. 40 of 232. Dist. Ct. Dkt. 38-1, p. 8 of 30; filed 06/17/26.

didn't see anything on the video. I don't know what happened. I contacted Hollie to meet with her and ended up meeting with her and asked her about the situation with the shower and also asked her about the kids and the relationship that her and Mathiew had and the relationship that she had with the kids out of concern and ended up being support for one another and just becoming friends through that.

And found out a couple more things that happened through the relationship with her dog, having to put her dog down. Mathiew pulling out a gun to her dog while E.F. was standing in the hallway. Mathiew punching a hole in his hallway. There's a cab- -- there's a closet, it's a sliding door. He punched a hole through the door over while the kids were present, through an argument with them. A lot of turmoil in their relationship with the kids present while she was there.

Q. Okay. Back to where we left off, because you were saying you got contacted by Mathiew about something related to Hollie White and your kids; is that right?

A. Correct. I was at church and Hollie had come up to me and showed me. We were greeters at church together and this was only on my time alone I would work for the church. She come up to me and she showed me what the complaint he had sent to, I believe it's called DSPS. It's her licensing. Claiming

[Source PDF page 27 - continued]

that she abused the children with the pictures. And I told her, "Hollie, I have thread of texts, proof, showing how the

[Source PDF page 28]

2021FA000047, Document 312; filed 11-17-2025; transcript p. 65 of 232. Dist. Ct. Dkt. 38-1, p. 11 of 30; filed 06/17/26.

Q. So -- so the exchanges were to take place at police stations, right, at some point the judge ordered that?

A. Correct.

Q. Okay.

A. Which was in May of, I believe, when we did the 2025 filing with the commissioner, the original -- or 2024. I'm sorry.

Q. And when did M.F. mentioned the incident?

A. M.F. didn't mention the incident of him being taken to Pleasant Prairie Police Department. Mathiew told me that he took M.F. to Pleasant Prairie Police Department to show him a jail cell because if he continues to be bad, that's where he's going to end up. This was during an exchange on Mathiew's driveway.

Q. Okay.

A. And then after that, M.F. actually said, "Oh, this is where dad took me."

Q. Now moving on to the discussion regarding Hollie White. So you stated that you become friends with her; is that right?

A. Correct.

Q. And she works at PSG therapy?

A. Correct.

Q. Do you know what her role is there?

A. I do not.

[Source PDF page 29]

2021FA000047, Document 312; filed 11-17-2025; transcript p. 175 of 232. Dist. Ct. Dkt. 38-1, p. 19 of 30; filed 06/17/26.

building. I have never communicated. I see her maybe once every couple years at a company event. I don't interact with her.
BY MR. DICKINSON:
Q. But you're -- are you aware that she's been treating M.F.?
A. Only because it is included with emails that go to my employer that he won't stop contacting them and including me in it. So really, if the objective is to communicate with M.F.'s therapist, why do I keep getting brought up?
Q. So if -- if his -- if M.F.'s therapist testified that there were hundreds of other providers that could give the services he needed, would you think that she's a reliable source to give that information?
A. I don't know. I'm -- I was speaking to my experience. I'm not comfortable talking about someone's experience that I've interacted with at company picnic a few times. So I'm not comfortable in answering that question.
Q. Okay. But the -- in your experience as a treatment provider, --
A. Mm-hmm.
Q. -- the treatment provider would be in the best interest to know the availability of other treatment providers for the needs of that child in the community?
A. For the needs of the child, yes. For knowing what is

[Source PDF page 30]

2025CF001639, Document 42; scanned 08-21-2026; p. 1 of 2.

STATE OF WISCONSIN - CIRCUIT COURT - KENOSHA COUNTY

STATE OF WISCONSIN, Plaintiff, vs. MATHIEW R. FOX, Defendant.

Court Case No.: 2025CF001639

DA Case No.: 2025KN001815

DOB: 1988 [year only].

AMENDED INFORMATION

The undersigned prosecutor for said County, hereby informs the Court that:

Count 1: DISORDERLY CONDUCT

The above-named defendant on or about Sunday, March 30, 2025, in the City of Kenosha, Kenosha County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars ($1,000), or imprisoned not more than ninety (90) days, or both.

[Source PDF page 30 - continued]

Count 2: KNOWINGLY VIOLATE A HARASSMENT ORDER

The above-named defendant on or about Sunday, March 30, 2025, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly violate an injunction issued under sec. 813.125(4), contrary to sec. 813.125(7) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than $10,000 or imprisoned not more than 9 months or both.

Count 3: DEFAMATION

The above-named defendant on or about Sunday, March 30, 2025, in the City of Kenosha, Kenosha County, Wisconsin, with intent to defame, did communicate any defamatory matter to a third person without consent of the person defamed, contrary to sec. 942.01(1), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than nine (9) months, or both.

Count 4: KNOWINGLY VIOLATE A HARASSMENT ORDER

The above-named defendant on or about Wednesday, July 30, 2025, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly violate an injunction issued under sec. 813.125(4), contrary to sec. 813.125(7) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than $10,000 or imprisoned not more than 9 months or both.

[Source PDF page 30 - continued]

Count 5: KNOWINGLY VIOLATE A HARASSMENT ORDER

The above-named defendant on or about Thursday, August 7, 2025, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly violate an injunction issued under sec. 813.125(4),

[Source PDF page 31]

2025CF001639, Document 42; scanned 08-21-2026; p. 2 of 2.

contrary to sec. 813.125(7) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than $10,000 or imprisoned not more than 9 months or both.

Date Signed: 08/20/26 Electronically Signed By: Vincent Kurta

Assistant District Attorney State Bar #: 1090807

Dkt. 53-2, pp. 37–38

RECORDING TRANSCRIPT — EXCERPTS

[Excerpts from the transcript as filed. Bracketed ellipses mark omissions; editorial footnotes and their reference numbers are omitted.]

Source p. 37 — [11:58]

[...] So, I try harder and then it backfires and then I feel some type of way and then I get a call from the court and they're like, "Um, we are going—you know, we want—you're okay with this. Um, we're thinking because we worked with you on a few different cases in family court. Um, and this is the judge. This is the family court judge who's like herself calling and is like, 'Will you—I I would really appreciate if we—we I have a couple other cases in mind. Um I would like to add you as like a like a court reunification and um trauma.'" [...]

Source p. 37 — [13:46]

[...] Um but she's incredible. So I call her and uh I was like, "Uh, so Liz Pfeuffer called." [...]

Dkt. 53-2, pp. 37–38

Source p. 38 — continuation

[...] And uh she's like, "You can be on this list and say your caseload's full. Like you can take on who you want, who you don't. You know that I give you the power of your own schedule. Like you decide all of that. So if you tell me like you're full or you need a different whatever, she's like, why would that change because of a conversation with a judge?" And I'm like, "Okay. Okay." [...]

[Source PDF page 34]

2021FA000047, Document 502; filed 06-24-2026; p. 1 of 31 (internal p. 1 of 4). Dist. Ct. Dkt. 53-2, p. 191 of 269; filed 07/08/26.

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA CO[redacted]

FAMILY COURT BRANCH 1

In Re the Marriage of: Sarah Ann Fox, Petitioner, v. Mathiew Rae Fox, Respondent.

Case No. 2021FA000047

Honorable Judge Gerld T. Dougvillo

RESPONDENT'S SUBMISSION OF ATTACHMENTS REFERENCED IN DOCUMENT 486 PURSUANT TO COURT'S JUNE 23, 2026 DIRECTIVE

NOW COMES Respondent, Mathiew Rae Fox "Father", appearing pro se, and submits the attached authorizations referenced in Respondent's

"Motion to Compel Execution of Authorizations for Release of the Minor Children's Records[1],

OR in the Alternative, for an Order Authorizing Release, filed as Document 486.

At the June 23, 2026 hearing, the Court directed Respondent to submit the missing attachments referenced in (Dkt. 486)[2]. Respondent therefore submits:

[1] This statutory records-access right is also consistent with the broader recognition that the parent-child relationship carries protected legal significance. See Troxel v. Granville, 530 U.S. 57, 65-66 (2000); Barstad v. Frazier, 118 Wis. 2d 549, 557-63, 348 N.W.2d 479 (1984). Barstad recognized the constitutionally

[Source PDF page 34 - continued]

protected nature of the parent-child relationship under Wisconsin law.

[2] Document 486 sought execution of authorizations for release of the minor children's intake and administrative records, or alternatively an Order authorizing release directly to Respondent. Document 487 (filed April 21, 2026) contained a Proposed Order requesting that the Court authorize such release should Petitioner fail to execute the authorizations-which she has, to date, refused to do. Respondent initially requested these authorizations through Our Family Wizard and was met with silence. That silence is not innocuous: it has permitted the passage of sufficient time for additional allegations to accrue from the same stale, unsupported allegations that Ms. Fox herself invoked during the June 23, 2026 hearing as a basis for withholding the records. The sequence of delay, evolving allegations, and obstruction raises legitimate concerns regarding the integrity of the records sought and the possibility of evidence tampering-concerns that are particularly acute given Respondent's prior preservation notices to the providers. See Dkt. 216 & Dkt. 226.

[Source PDF page 35]

2021FA000047, Document 502; filed 06-24-2026; p. 2 of 31 (internal p. 2 of 4). Dist. Ct. Dkt. 53-2, p. 192 of 269; filed 07/08/26.

1. Exhibit A - Authorization for Release of Records: Pathways Consulting

2. Exhibit B - Authorization for Release of Records: Professional Services Group / PSG

LEGAL AUTHORITY

Respondent submits these authorizations pursuant to the Court's June 23, 2026 directive and Document 486.

• Wis. Stat. § 767.41(7)(a) provides that, except under § 767.41(7)(b) or unless otherwise ordered by the Court, access to a child's medical, dental, and school records is available to a parent regardless of legal custody.

o To the extent the requested records are treatment records,

• Wis. Stat. § 51.30(1)(b) defines treatment records to include registration and other records concerning treatment and services maintained by the provider.

• Wis. Stat. § 51.30(4)(e) requires release notations when written information is released from a treatment record and provides access to that release data.

• Wis. Stat. § 51.30(4)(g) and § 51.30(5)(f) confirm that treatment-record provisions apply to information in "written, printed, spoken, visual, electromagnetic, or digital form[3], regardless of physical form or characteristics".

[No text for footnote 3 is visible on this source page.]

[Source PDF page 36]

2021FA000047, Document 502; filed 06-24-2026; p. 3 of 31 (internal p. 3 of 4). Dist. Ct. Dkt. 53-2, p. 193 of 269; filed 07/08/26.

• Wis. Stat. § 51.30(5)(a)-(b) addresses access to and release of minor treatment records by a parent.

• Wis. Admin. Code §§ DHS 92.05 and 92.06 governs access to treatment records and access involving minors, subject to Wis. Stat. § 51.30(5) and applicable statutory limitations. Under DHS 92.05(2)(b)[4], a request to inspect treatment records need not specify particular information, and requests for "all information" or "all treatment records" are acceptable.

The request is also consistent with 45 C.F.R. § 164.502(g)(3)[5], which recognizes parental personal-representative access for unemancipated minors when applicable law gives the parent authority, subject to recognized exceptions.[6]

SCOPE STATEMENT

The attached authorizations are limited to records concerning intake, referral, enrollment, assessment, administrative handling, billing, authorization, scheduling, attendance, provider assignment, records access, records preservation, records disclosure, and related communications.

[4] Wis. Admin. Code §§ DHS 92.05 and 92.06. DHS 92.05 governs patient access to treatment records, including broad requests for "all information" or "all treatment records," while DHS 92.06 addresses access involving minors and incompetents

[6] Final Order (September 29-30, 2025) is currently on appeal (25AP2492) since March 2026. The prolonged denial of parent-child contact has caused irreparable harm to both the

[Source PDF page 36 - continued]

children and the father (see Dkt 465, 471, 499, 500). This harm substantially outweighs any alleged risk from the underlying allegations, which were unsubstantiated by admissible evidence, failed to satisfy the statutory elements for the restrictions imposed, and were largely based on hearsay and unverified third-party statements. The restrictions were also influenced by non-judicial conduct in Branch 3, including ex parte communications, denial of meaningful review of provider-conflict and record-access objections, and procedural ambiguity that impaired the ability to pursue lawful parental access-conduct now at issue in ongoing federal proceedings (26-CV-797).

[No text for footnote 5 is visible on this source page.]

[Source PDF page 37]

2021FA000047, Document 502; filed 06-24-2026; p. 4 of 31 (internal p. 4 of 4). Dist. Ct. Dkt. 53-2, p. 194 of 269; filed 07/08/26.

REQUEST FOR NARROWING RATHER THAN DENIAL.

If the Court determines that any category should be narrowed, Respondent respectfully requests narrowing, protective conditions, in-camera review, or staged production rather than denial of the records-access request in full.

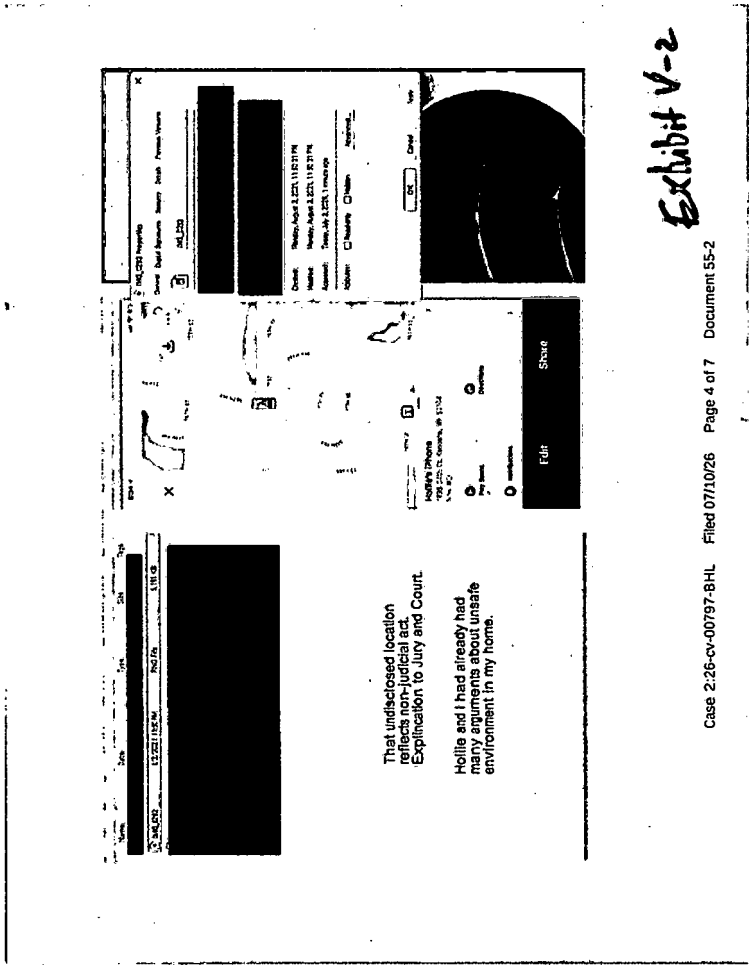
WHEREFORE, Respondent respectfully asks the Court to accept the attached authorizations and rule on Respondent's pending motion. Dated this 24th day of June, 2026.

Respectfully submitted,

Electronically signed by: Mathiew Rae Fox
Respondent Pro Se
2726 83rd St.
Kenosha, WI 53143 (262) 203-3109
Mathiew.fox@gmail.com

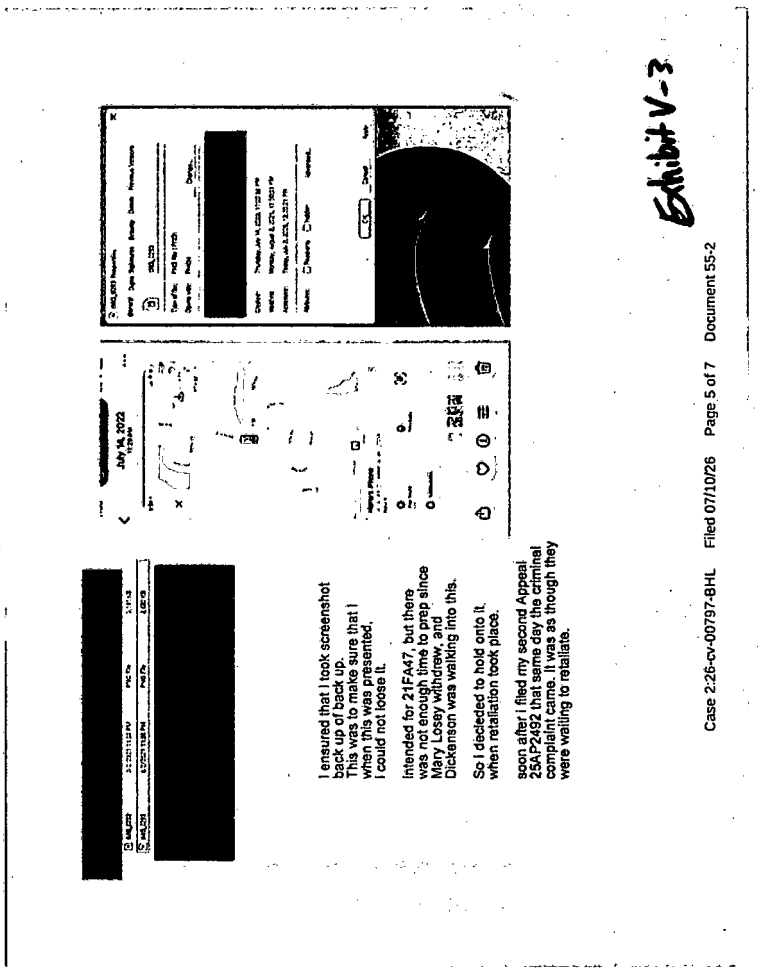
Dkt. 55-2, p. 4; Exhibit V-2

GPS EXHIBIT



Dkt. 55-2, p. 5; Exhibit V-3

GPS EXHIBIT



Dkt. 55-2, p. 6; Exhibit W-1

COURT OF APPEALS — DOCKET EXCERPT

2025AP2492 (case number annotated on source).

[Visible dates and entry names retained in source order. Repeated status labels and right-hand descriptions omitted.]

Date	Docket entry
12-16-2025	Other Papers
12-03-2025	Motion for Relief
12-03-2025	Motion for Relief
12-03-2025	Motion to Correct/Supplement Record
12-02-2025	Motion for Relief
12-01-2025	Motion to Seal
11-20-2025	Fee Paid
11-18-2025	Statement on Transcript
11-10-2025	Notice of Appeal & Circuit Court Docket Entries
11-10-2025	Notice of Appeal filed in Circuit Court
11-10-2025	Indigency Forms Sent
11-10-2025	Rules of Appellate Procedure and Pro Se Guide Sent
11-10-2025	Notice of Docketing of Appeal
10-24-2025	Order of Circuit Court

Documents: Brief of Appellant. Event description: Sua Sponte. Filed date: 12-22-2025. Pages: 1–34.

Dkt. 55-2, p. 7; Exhibit W-2

CIRCUIT COURT — DOCKET EXCERPT

25CF1639 (case number annotated on source).

[Visible dates and entry names retained in source order; receipt and routing details omitted.]

Date	Docket entry
11-18-2025	Cash bond posted — $5,000.00
11-18-2025	Warrant/Capias/Commitment canceled for Fox, Mathiew R.
11-18-2025	Notice of hearing
11-17-2025	Victim Identification Key
11-17-2025	Demand for Discovery - Prosecutor
11-17-2025	Motion to Seal Document
11-17-2025	Notes
11-17-2025	Arrest warrant issued for Fox, Mathiew R.
11-14-2025	Proposed Order
11-14-2025	Electronic Filing Notice
11-14-2025	Case initiated by electronic filing
11-14-2025	Complaint filed

11-18-2025 notice: Return on warrant/Initial appearance on December 4, 2025 at 01:00 pm.

[Source PDF page 42]

Dist. Ct. 2:26-cv-00797-BHL, Dkt. 1-5, p. 2 of 6; filed 05/05/26.

Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Name: Mathiew Fox
Address: 2726 83rd St., Kenosha, WI 53143.
County: Kenosha
Telephone Number: 262-203-3109
E-Mail Address: mathiew.fox@gmail.com

B. The Defendant(s)

Defendant No. 1

Name: Heather Iverson
Job or Title: Kenosha County Circuit Judge Branch 3
Address and County: [redacted]
Telephone Number: Unknown
E-Mail Address: Unknown
Individual capacity: unchecked. Official capacity: checked.

Defendant No. 2

Name: Heather Iverson
Job or Title: Kenosha County Circuit Judge Branch 3
Address: 912 56th. St. (Kenosha Court House), Kenosha, WI 53140
County: Kenosha
Telephone Number: 262-653-2579
E-Mail Address: jessica.guajardo@wicourts.gov
Individual capacity: unchecked. Official capacity: checked.

[Source PDF page 43]

2021FA000047 docket, printed 11/1/26 at 11:53 PM; original p. 2 of 33.

[Entry continued from the preceding source page.] Additional text: State of Wisconsin Court of Appeals District , (Appeal No. 2026AP000575) Circuit Court Case No. 2026CV000107. To the Esteemed Guardians of Wisconsin Jurisprudence

09-22-2026 - Order appointing GAL Rossell, Jason A. Additional text: Amended due to conflict with Atty Losey. Atty Mayew appointed. hm

09-22-2026 - Order appointing GAL Rossell, Jason A. Additional text: Atty Mary Losey

09-22-2026 - Letters/correspondence Additional text: Letter to the Supreme Court & Court of Appeals from RE

09-21-2026 - Motion Additional text: to Withdraw Dkt. 516 & 517. Filed by M. Fox

09-14-2026 - Letters/correspondence Additional text: Letter to Clerk of The Court Supreme Court of the United States, from Mathiew R. Fox ,(MEM)

09-14-2026 - Notice of hearing Additional text: Scheduling conference on November 10, 2026 at 11:00 am.

09-14-2026 - Proposed Order Declined Rossell, Jason A. Additional text: Court will address all motions and requests at a scheduled hearing.

09-14-2026 - Proposed Order Declined Rossell, Jason A. Additional text: Parties will be contacted shortly to schedule a scheduling conference to place deadlines and dates for hearings

[Source PDF page 43 - continued]

09-14-2026 - Proposed Order Additional text: Modification of Legal Custody and Placement. Filed by M. Fox

09-14-2026 - Proposed Order Additional text: Granting Access to Medical Records. Filed by M. Fox

09-14-2026 - Letters/correspondence Additional text: to Honorable Judge Rossell. Filed by M. Fox

09-14-2026 - Proposed Order Declined Rossell, Jason A. Additional text: Court has not held a hearing, will not act sua sponte and is not Judge Dougvillo

09-14-2026 - Proposed Order Additional text: Filed by M. Fox

09-14-2026 - Motion Additional text: to Compel Execution of Authorization of Children's Records. Filed by M. Fox

09-11-2026 - Notice of assignment of judge

09-10-2026 - Remittitur Additional text: Dated 9/10/26 IT IS ORDERED AND ADJUDGED by this court in an opinion filed on April 8, 2026, that: Order affirmed.

09-10-2026 - Other papers. Additional text: COPY: Request of Investigation - Judicial Misconduct & Disability. Filed by M. Fox

09-08-2026 - Other papers. Additional text: Petitioner's denial of visition rights & Court Order: See Dkt. 258. Filed by M. Fox

09-08-2026 - Other papers. Additional text: Hope Counsel - Visitation Denial. Filed by M. Fox

[Source PDF page 43 - continued]

09-08-2026 - Other papers. Additional text: Professional Services Group - Medical Records Denied. Filed by M. Fox

09-04-2026 - Order assigning judge/judicial assignment order Rossell, Jason A.

09-04-2026 - Other papers.

[Source PDF page 44]

2021FA000047 docket, printed 11/1/26 at 11:53 PM; original p. 4 of 33.

[Entry continued from the preceding source page.]
Additional text: Copy - Respondent-Appellant's Motion for Recusal of PJ Lazar. Filed by M. Fox
08-12-2026 - Other papers. Additional text: Copy - Indexed Exhibts A-G in support to recuse PJ Lazar. Filed by M. Fox
08-10-2026 - Proposed Order Declined Dougvillo, Gerad T.
08-10-2026 - Other papers. Additional text: Pathways Billing paid. Filed by M. Fox
08-10-2026 - Other papers. Additional text: Pathwasy Consulting Billing - Authorizations have been denied by sarah fox, and court has delayed hearing. Filed by M. Fox
08-10-2026 - Letters/correspondence Additional text: Corresponsdence OFW - Sarah's refusal to follow court order. Filed by M. Fox
07-24-2026 - Letters/correspondence Additional text: Letter: Petition - Voluntary Termination of Parental Rights
07-24-2026 - Petition Additional text: PETITIONER'S SUPPLEMENTAL STATEMENT IN SUPPORT OF PETITION FOR VOLUNTARY TERMINATION OF PARENTAL RIGHTS
07-23-2026 - Other papers. Additional text: to the Judicial Commission 7/22/2026. Filed by M. Fox
07-23-2026 - Other papers. Additional text: Federal Court Letter 26-CV-797. Filed by M. Fox

[Source PDF page 44 - continued]

07-22-2026 - Notice of motion, motion Additional text: for contempt. Filed by S. Fox
07-20-2026 - Hearing Dougvillo, Gerad T. Czarnecki-Kozmer, Tracy Additional text: NO RECORD MADE. Due to conflict with the court the HE of 07/20/26 at 2:00 is reset with the parties in the courtroom to 08/19/26 at 2:30 Hearing scheduled for August 19, 2026 at 02:30 pm.
07-10-2026 - Proposed Order Additional text: Ruling on Dkt. 486 & 502. Filed by M. Fox
07-10-2026 - Motion Additional text: Expedited Motion for Ruling - Dkt 486 & 502. Filed by M. Fox
07-01-2026 - Proposed Order Additional text: Granting Authorization Access to Medical Records. Filed by M. Fox
06-30-2026 - Transcript Czarnecki-Kozmer, Tracy Additional text: Transcript - Motion Hearing - 6-23-26
06-29-2026 - Motion Additional text: to Disclose Ex Parte Judicial Communication between Branch 1 & Branch 3. Filed by M. Fox
06-26-2026 - Other papers. Additional text: Courtesey Copy Federal Case 26-CV-772. Filed by M. Fox
06-25-2026 - Other papers. Additional text: Misuse of OFW by RE. Filed by S. Fox
06-25-2026 - Notice Additional text: Respondent's Notice regarding Petitioner's Our Family Wizard communications. Filed by M. Fox
06-25-2026 - Notice Additional text: of Compliance with June 23rd Directives by Court. Filed by M. Fox
06-25-2026 - Other papers.

[Source PDF page 45]

2021FA000047 docket, printed 11/1/26 at 11:53 PM; original p. 5 of 33.

[Entry continued from the preceding source page.] Additional text: Detective McCoy Correspondence (Regarding Petitioner)

06-24-2026 - Motion Additional text: Authorization of Medical Records (Profesional Services Group & Pathways Consulting). Filed by M. Fox

06-23-2026 - Request Additional text: Transcript request for hearing on 6/23/26 has been given to Br. 1 to process. Filed by M. Fox. No CD available for this court date. *edited by PE- CD request*

06-23-2026 - Motion hearing Dougvillo, Gerad T. Czarnecki-Kozmer, Tracy Additional text: 1:53 PM Petitioner Sarah Ann Fox in court. Respondent Mathiew Rae Fox in court. Clerk. M.Burke. RE's Motion to compel heard. After hearing today RE is submit the attachments that were referenced in the Motion so court can review them and will issue a ruling. RE to submit this within 7 calendar days. PE's Motion for Contempt non payment of Child Support and Other Expenses. Within the next 7 days RE to file documentation regarding his pay and the hours he works. PE's Motion for Contempt regarding Our Family Wizard. Within 7 calendar days PE to file any additional communication from OFW that are relevant to add to her Motion to Contempt. HE set over. Hearing scheduled for July 20, 2026 at 02:00 pm.

06-22-2026 - Other papers. Additional text: 'Courtesy Copy of - "Emergency Motion to Supplement Petition

[Source PDF page 45 - continued]

for Review, Expedite Consideration, and Grant Limited Relief Pending Review". Filed by M. Fox

06-22-2026 - Other papers. Additional text: 'Courtesy Copy of - "Emergency Motion to Supplement Petition for Review, Expedite Consideration, and Grant Limited Relief Pending Review" - Appendix. Filed by M. Fox

06-22-2026 - Motion Additional text: to Dismiss or Deny Contempt - Counter Motion for limited Enforcement and Hearing. Filed by M. Fox

06-22-2026 - Other papers Additional text: Federal Case 26-CV-797 - Order Establishing Service. Filed by M. Fox

06-22-2026 - Other papers. Additional text: Federal Case 26-CV-772 - Order Establishing Service Procedure. Filed by M. Fox

06-03-2026 - Other papers. Additional text: Federal Case: 26-CV-797 - Submitted as Evidence. Filed by M. Fox

05-22-2026 - Notice of hearing Additional text: Motion hearing on June 23, 2026 at 01:30 pm.

05-22-2026 - Notes Additional text: A MH is set before Judge Dougvillo to 06/23/26 at 1:30

05-08-2026 - Notice of motion, motion Additional text: for contempt and seek work order. Filed by S. Fox

05-07-2026 - Notes Additional text: Objection to court commissioner hearing future proceedings is received. Hearing will be calendared before Judge Dougvillo. Motion to recuse is denied - Commissioner Smathers

[Source PDF page 45 - continued]

05-06-2026 - Other papers. Additional text: Federal Complaint No. 1: 26-CV-772-BHL . Filed by M. Fox

05-06-2026 - Motion Additional text: to recuse Commissioner Smathers. Filed by M. Fox

04-24-2026 - Notes Additional text: RE's motion filed 04/22/26 - All motions have been ruled upon or are set for a future hearing. Commissioner Smathers

04-24-2026 - Notice of hearing Additional text: post judgment order to show cause hearing on May 26, 2026 at 10:30 am.

04-22-2026 - Motion Additional text: TO SET HEARING, CLARIFY PRIOR DISPOSITIONS, GRANT LIMITED RECORDS AND INSURANCE COORDINATION RELIEF, AND REQUIRE A SIGNED WRITTEN ORDER. Filed by M. Fox

04-22-2026 - Notice of hearing

[Source PDF page 46]

2021FA000047 docket, printed 11/1/26 at 11:53 PM; original p. 6 of 33.

[Entry continued from the preceding source page.] Additional text: post judgment order to show cause hearing on May 26, 2026 at 10:30 am.

04-21-2026 - Proposed Order Additional text: TO COMPEL EXECUTION OF AUTHORIZATIONS FOR RELEASE OF THE MINOR CHILDREN'S

04-21-2026 - Motion Additional text: TO COMPEL EXECUTION OF AUTHORIZATIONS FOR RELEASE OF THE MINOR CHILDREN'S. Filed by M. Fox

04-21-2026 - Proposed Order Declined Smathers, Alexandra Additional text: Respondent does not state a legal basis for which his request can be granted

04-20-2026 - Proposed Order Additional text: to Compel Minor Children Records

04-20-2026 - Motion Additional text: to Compel Minor Children Records. Filed by M. Fox

04-20-2026 - Other papers..

04-16-2026 - Proposed Order Declined Additional text: Per Judge Iverson: Based on the Motion to Reconsider filed 03-26-2026, motion for reconsideration is denied.

04-16-2026 - Other papers.

04-15-2026 - Other papers. Additional text: Notice of Capitol Police Contact (Record Preservation). Filed by M. Fox

[Source PDF page 46 - continued]

04-13-2026 - Notice of motion, motion, and aff/decl Additional text: for contempt. Filed by S. Fox. Sent to Comm Smathers for approval

04-13-2026 - Notes Additional text: Petitioner's Motion for Contempt is denied. Judge Dougvillo vacated the order made by Comm. Smathers that was cited by the Petitioner in her pleadings. Therefore, it is no longer enforceable. ~Commissioner Smathers

04-13-2026 - Order of Court of Appeals. Additional text: Dated 4/13/26 IT IS ORDERED that the motion for reconsideration is denied. WIS. STAT. RULE 809.24(2),

04-13-2026 - Other papers.

04-13-2026 - Notice of motion, motion, and aff/decl Additional text: for contempt. Filed by S. Cox. Sent to Comm Smathers for approval

04-10-2026 - Supreme Court decision & order Additional text: Dated 4/13/26 IT IS ORDERED that the petition for a supervisory writ/writ of mandamus is dismissed. To the extent Fox seeks relief that he is already seeking in the court of appeals, the petition essentially seeks review of the court of appeals' handling of the underlying case and is premature. The Supreme Court will not exercise its supervisory jurisdiction where there is an adequate alternative remedy, nor will it be exercised to review a discretionary act of a lower court. State ex rel. Dressler v. Circuit Court for Racine County, 163 Wis. 2d 622, 472 N.W.2d 532 (Ct. App. 1991); In Interest of A.R., 85 Wis. 2d 444, 270 N.W.2d 581 (1978). Upon a final decision by the court of appeals, Fox will be

[Source PDF page 46 - continued]

able to file a petition for review in this court raising any asserted errors. To the extent Fox is seeking relief from this court that he has not previously sought in the court of appeals, pursuant to WIS. STAT. (Rule) 809.71(1), "[a] person seeking a supervisory writ from the supreme court shall first file a petition for a supervisory writ in the court of appeals under s. 809.51 unless it is impractical to seek the writ in the court of appeals" and "[a] petition in the supreme court shall show why it was impractical to seek the writ in the court of appeals or, if a petition had been filed in the court of appeals, the disposition made and reasons given by the court of appeals." See also Judicial Council Committee's Note, 1981 to WIS. STAT. (Rule) 809.71 ("Unless the court of appeals is itself the object of the supervisory writ, usually there is an adequate alternate remedy of applying to the court of appeals under Rule 809.51 for the supervisory writ"). Fox has not satisfied this provision. IT IS FURTHER ORDERED that all remaining requests for relief are denied as moot.

04-10-2026 - Other papers. Additional text: Child School Fee outstanding Balance Since 1/29/2026 Hearing. Filed by M. Fox

04-09-2026 - Motion Additional text: Emergency Motion to Supplement Writ Record, for Temporary Supervisory Relief, and to Direct Prompt Hearing and Written Order

04-09-2026 - Other papers. Additional text: Notice to the Kenosha Circuit Court - Continuing harm, foreseeability and future harm. Filed by M. Fox

[Source PDF page 46 - continued]

04-08-2026 - Letters/correspondence Additional text: Courtesy Copy - Letter to District II Justice from RE dated 4/8/26

04-08-2026 - Motion in court of appeals. Additional text: Courtesy Copy - Motion for Reconsideration

04-08-2026 - Notes

Proposed first amended and supplemental complaint

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 75-1; filed 09/22/26

[Original page 1; source collection PDF 144]

United States District Court
Eastern District of Wisconsin
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

PROPOSED FIRST AMENDED AND SUPPLEMENTAL COMPLAINT

42 U.S.C. § 1983; WIS. STAT. § 51.30(9); RULE 15(d) SUPPLEMENTAL ALLEGATIONS; JURY DEMAND

I. NATURE OF THE ACTION AND LIMITS OF RELIEF

1. This action concerns First Amendment retaliation and a separate statutory records-access dispute. It does not ask this Court to sit as an appellate court over Wisconsin family, injunction, or criminal judgments.

2. Plaintiff does not ask this Court to reverse, vacate, modify, supervise, or declare invalid any

Wisconsin custody, placement, contempt, harassment-injunction, conviction, restitution, or postconviction judgment.

3. The amended pleading does not rest principally on events awaiting discovery. The material chronology is documented in transcripts, docket entries, police records, provider correspondence, filed motions, and contemporaneous government communications. Where a document establishes an event, Plaintiff states the event as a fact. Where motive, agreement, retaliation, or legal responsibility must be inferred, Plaintiff identifies the inference rather than presenting it as an adjudicated finding.

4. Plaintiff does not invoke any fraud or corruption exception to Rooker-Feldman. The federal claim is limited to asserted injuries that can exist without rejection of a state judgment.

[Original page 2; source collection PDF 145]

5. Plaintiff does not presently assert a federal malicious-prosecution claim arising from Kenosha County Case No. 2025CF001639 because the August 20, 2026 judgment of conviction remains outstanding and postconviction proceedings are pending. That procedural limitation is not an admission that the prosecution, reporting, investigation, plea leverage, or surrounding conduct was lawful, nonretaliatory, or supported by proper motives.

6. Plaintiff does not plead a stand-alone § 1983 conspiracy count. Joint action is pleaded only as a state-action theory against a private defendant where the documented facts support an inference of concerted participation with a state actor in an alleged constitutional deprivation.

7. Plaintiff does not assert a stand-alone HIPAA damages claim. Federal privacy regulations and Wisconsin records law are pleaded only for the legal framework governing the separate records dispute.

8. Plaintiff does not seek damages against judicial officers for judicial acts. Smathers and Iverson remain identified only to preserve the factual and procedural chronology and any nonjudicial or prospective theory that is legally cognizable; adverse rulings alone are not pleaded as constitutional torts.

II. JURISDICTION AND VENUE

9. This Court has federal-question jurisdiction under 28 U.S.C. §§ 1331 and 1343 over the First Amendment claim brought under 42 U.S.C. § 1983.

10. The Court has supplemental jurisdiction under 28 U.S.C. § 1367 over the Wisconsin records-access claim arising from the same provider, preservation, and litigation chronology.

11. Venue is proper in the Eastern District of Wisconsin because the material events occurred principally in Kenosha County, Wisconsin.

12. The allegations concerning events after May 5, 2026 are supplemental allegations under Fed. R. Civ. P. 15(d). This document restates the full proposed pleading rather than incorporating Dkt. 1 by reference.

III. PARTIES

13. Plaintiff Mathiew Rae Fox is a Wisconsin resident and father of two minor children.

14. Defendant Thomas W. Anderson Jr. is a private attorney who represented Sarah Fox in family-court litigation. Ordinary representation and use of court procedures do not by themselves constitute state action.

15. Defendant Hollie White is a private individual who participated in family-court, injunction, provider-related, police, and criminal events described

[Original page 3; source collection PDF 146]

below. Reporting alleged misconduct or testifying, standing alone, does not constitute state action.

16. Defendant Sarah Fox is Plaintiff's former spouse and a private actor. Use of family-court procedures, standing alone, does not constitute state action.

17. Defendant Pathways Consulting is a private provider organization that employed or was professionally affiliated with White during parts of the relevant period and maintained records concerning one of the children.

18. Defendant Professional Services Group (PSG) is a private provider organization that employed or was professionally affiliated with White during parts of the relevant period and maintained records concerning M.F.

19. Defendant Alexandra K. Smathers is a Kenosha County court commissioner. Plaintiff does not seek damages from Smathers for judicial acts.

20. Defendant Heather Iverson is a Wisconsin circuit judge. Plaintiff does not seek damages from Iverson for judicial acts.

IV. PRE-MAY 5 DOCUMENTED CHRONOLOGY

21. Before this federal action was filed, Plaintiff repeatedly petitioned courts and governmental oversight bodies, including OLR, DSPS, the Wisconsin Judicial Commission, child-protection channels, and records/privacy channels, and pursued appeals, writ-related filings, provider-conflict objections, preservation notices, and medical-record requests. Dkt. 1 ¶¶7, 67, 282-291.

22. The original complaint documented that Anderson knew of Plaintiff's OLR-related activity, provider objections, preservation activity, and White-related issues. Dkt. 1 ¶¶102-106, 253-259.

23. At the August 13, 2025 family-court hearing, Anderson stated that a third party supplied information leading him to conclude that contempt should be pursued; the court identified

"White" as the person Anderson had spoken with, and Anderson confirmed the identification. Dkt. 1 ¶¶127-134.

24. At the September 29, 2025 trial, Sarah Fox testified that she contacted White, met with her, became friends with her, and was shown Plaintiff's DSPS complaint concerning White. Dkt. 1 ¶¶163-169.

25. The same trial record identified White's employment or professional affiliation with Pathways and PSG. White testified that she and Sarah communicated after the DSPS matter, and White testified to knowledge regarding provider treatment through her employment communications. Dkt. 1 ¶¶170-176.

[Original page 4; source collection PDF 147]

26. Plaintiff had already sent preservation communications to Pathways and PSG in July 2025. Those communications were directed to the organizations and distinguished preservation from a request for confidential treatment records. Dkt. 1 ¶¶109-125.

27. Police and criminal materials later treated provider-directed communications and White's reaction to them as part of an enforcement track. The original complaint pleaded officer testimony that the emails were sent to Pathways or the other counseling service rather than directly to White, that nothing threatening was identified in the criminal complaint, and that the

intimidation theory depended in part on White's description or feelings about the communications. Dkt. 1 ¶¶192-198.

28. At the February 2026 injunction proceeding, White testified that she had filed approximately seventeen police reports over the preceding four years and discussed Plaintiff's reporting to the professional licensing board as harassment or intimidation. The children's use of Pathways/PSG and White's provider employment were also raised. Dkt. 1 ¶¶205-210; Ex. I.

29. These facts do not make every private participant a state actor. They establish, however, that Plaintiff's protected reporting, White's provider position, Sarah-White communications, Anderson-White communications, provider preservation, and state enforcement were already interrelated subjects before this case was filed.

V. RECORDS-ACCESS CHRONOLOGY

30. On April 20, 2026, Plaintiff filed a motion in Kenosha County Case No. 2021FA000047 seeking an order compelling authorizations for Pathways and PSG records or, alternatively, authorizing the providers to release records directly. He also submitted a proposed order. Ex. H (Docs. 483-484).

31. On April 21, 2026, Commissioner Smathers electronically declined the requested relief on the

stated ground that the request "does not state a legal basis for which his request can be granted." Ex. H (Doc. 485). Plaintiff does not plead that judicial disposition as an actionable constitutional act.

32. Plaintiff then attempted to cure the stated deficiency. On June 24, 2026, he filed provider-specific authorizations and identified Wis. Stat. §§ 767.41(7)(a) and 51.30, Wis. Admin. Code DHS 92.05 and 92.06, and 45 C.F.R. § 164.502(g)(3). Ex. C.

33. The June submission narrowed the requested material to categories including intake, referral, enrollment, assessment, administrative handling, billing, authorization, scheduling, attendance, provider assignment, records access, preservation, disclosure, and related communications. It expressly

[Original page 5; source collection PDF 148]

stated that separately maintained psychotherapy process notes were not sought as a stand-alone category. Ex. C.

34. Plaintiff requested narrowing, protective conditions, in-camera review, or staged production instead of wholesale denial. Ex. C.

35. On July 1, Plaintiff submitted a proposed neutral records-processing order under which a records custodian, compliance employee, administrative office, or counsel could process the request without contact with White and without

violating any no-contact restriction. Ex. D. The proposal was not entered, and Plaintiff does not represent otherwise.

36. On August 10, after the federal judgment, Judge Gerad Dougvillo electronically declined Plaintiff's proposed order seeking a prompt ruling on the pending records requests. Ex. E. Plaintiff pleads that event as chronology, not as an actionable constitutional act.

37. On September 2, PSG Vice President of Clinical Operations Leah Featherstone wrote that she had received the request through Reinhart Law, asked Plaintiff to identify the records sought, and stated that after clarification she could "start getting them together." Ex. F.

38. On September 3, Plaintiff supplied the children's identifying information and a detailed request for PSG records from initial referral/intake forward, specifically emphasizing initial intake and referral materials. Ex. F.

39. PSG issued a denial letter dated September 3 and transmitted it September 8. The letter denied access to M.F. 's mental-health treatment records, invoked 45 C.F.R. § 164.502(g)(5) and Wisconsin privacy protections, referred generally to danger or safety and modified custody or placement rights, and required an explicit certified Wisconsin circuit-court order directing release of the specific files. Exs. F-G.

40. Featherstone also stated that PSG did not have records for E.F. . Ex. F.

41. The resulting records barrier was not created by a failure to ask, identify the providers, narrow the scope, supply authorizations, identify asserted legal authority, or propose protective mechanisms. The documentary sequence shows each of those steps.

42. Wisconsin law provides that, except under the statutory exception or unless otherwise ordered by a court, a parent has access to a child's medical, dental, and school records regardless of legal custody. Wis. Stat. § 767.41(7)(a).

43. Wisconsin law also provides that a parent of a minor generally has the same access rights as the subject individual to treatment records, while a parent denied periods of physical placement under the specified statutes may lose those parental access rights. Wis. Stat. § 51.30(5)(b), (bm).

[Original page 6; source collection PDF 149]

44. Plaintiff maintains that the operative family-court order grants him supervised physical placement and that he has not been denied periods of physical placement under Wis. Stat. §§ 767.41(4)(b) or 767.451(4). PSG's September denial did not identify a particular order that expressly prohibited access to M.F. 's records.

45. Plaintiff recognizes that privileges, federal personal-representative rules, professional-judgment safety provisions, and

other lawful exceptions may restrict particular material. His request for relief is limited to records and remedies to which he is legally entitled after application of those defenses to the actual requested categories.

VI. SUPPLEMENTAL CRIMINAL-PROCESS FACTS ARISING AFTER JUDGMENT

46. When Plaintiff filed this action on May 5, 2026, Kenosha County Case No. 2025CF001639 was pending. ECF No. 60 relied on that ongoing prosecution in its Younger analysis and again when expressing concern that Plaintiff might have filed this federal case for revenge. ECF No. 60 at 6, 8.

47. On August 20, 2026, the prosecution changed posture at the trial-court level. The public disposition reflects a guilty plea to an amended misdemeanor disorderly-conduct count, dismissal and read-in of Counts 2 through 5, stipulated restitution of $4,250, and a $500 fine plus costs. Ex. B.

48. Plaintiff filed a notice of intent to pursue postconviction relief on August 24. He does not characterize the disposition as favorable termination and does not ask this Court to invalidate the conviction.

49. During plea negotiations on August 20, defense counsel proposed one amended disorderly-conduct count without read-ins. The prosecutor rejected that narrower proposal and

wrote: "No, we have to dismiss and read in everything, especially if Count 1 is amended to a DC. I would get a complaint to the board from the victim if we give the case away." Ex. A at 4.

50. The quoted government communication establishes that the prosecutor expressly considered an anticipated licensing-board complaint from the complaining witness when rejecting the proposed narrower disposition. It does not, standing alone, establish a prior threat by White or an express agreement between White and the State.

51. The email nevertheless places complaint-channel pressure inside the documented criminal-resolution calculus. That fact is material because Plaintiff's own OLR, DSPS, Judicial Commission, preservation, and provider-related activity had already been treated as adverse material in overlapping proceedings.

[Original page 7; source collection PDF 150]

52. The criminal process also carried concrete liberty and financial consequences, including cash bond, attorney expense, restitution, fine and costs, and the risk of incarceration or probation that defense counsel was attempting to avoid. Exs. A-B.

53. Plaintiff pleads these facts as part of the alleged retaliatory use of governmental process. He does not presently plead a federal

malicious-prosecution count because the conviction remains outstanding.

VII. DOCUMENTED COORDINATION AND THE STATE-ACTION THEORY

54. The existence of communications among Sarah Fox, White, and Anderson is not speculative. The state-court record documents those communications as described above.

55. The record documents that White supplied information to Anderson before contempt litigation; that Sarah Fox communicated with White and received Plaintiff's DSPS complaint from White; that White and Sarah continued to communicate after the licensing issue; and that White's provider employment intersected with the children's Pathways/PSG treatment. Dkt. 1 ¶¶127-134, 163-176.

56. The later prosecutor email adds a state-side fact: during criminal plea negotiations, the prosecutor expressly identified an anticipated board complaint from the complaining witness as a consideration affecting the State's resolution position. Ex. A.

57. Plaintiff does not contend that communication with police, participation in litigation, or reporting misconduct automatically converts a private person into a state actor. The state-action theory is narrower: the documented sequence, communications, and use of complaint and enforcement channels support an inference

that certain private actors and state actors acted in concert with respect to retaliatory use of process against protected petitioning activity.

58. Plaintiff recognizes that § 1983 requires more than a conclusory conspiracy allegation. Liability against a private defendant under Count I therefore depends on proof of an agreement or joint participation with a state actor in the particular retaliatory act, not merely on friendship, employment, testimony, reporting, or success in state court.

59. Judicial rulings themselves are not pleaded as the agreement. Plaintiff seeks no damages from Smathers or Iverson for protected judicial acts.

[Original page 8; source collection PDF 151]

VIII. COUNT I - FIRST AMENDMENT RETALIATION UNDER 42 U.S.C. § 1983

60. Plaintiff realleges paragraphs 1 through 59.

61. Plaintiff engaged in petitioning and reporting activity protected by the First Amendment to the extent recognized by governing law, including court filings and appeals, complaints to governmental oversight and licensing bodies, preservation notices, provider-conflict objections, and requests for access to records.

62. The record establishes that relevant participants knew of that activity. Anderson acknowledged OLR-related notice and White-related information; Sarah Fox testified concerning

Plaintiff's DSPS complaint; White discussed Plaintiff's licensing reports; and provider and police processes incorporated the same preservation and reporting subjects. Dkt. 1 ¶¶102-106, 127-134, 163-176, 192-198, 253-280.

63. Plaintiff experienced adverse processes and consequences after and in connection with that protected activity, including contempt proceedings, repeated police reporting and enforcement activity, use of provider-directed preservation communications in the criminal track, impairment of records access, cash-bond and criminal litigation burdens, and other litigation and financial consequences.

64. The August 20 prosecutor email is direct evidence that anticipated complaint-channel pressure from the complaining witness entered the State's plea-resolution calculus. Ex. A. It is not pleaded as proof of an express conspiracy standing alone.

65. Taken together, the documented chronology supports the inference that protected petitioning activity was not merely background to the adverse processes but was itself repeatedly identified, transmitted, characterized as harassment or intimidation, and used within overlapping enforcement and litigation channels.

66. The described consequences would deter a person of ordinary firmness from continuing protected petitioning and reporting activity.

67. Liability under this Count is asserted only against a defendant whose conduct was under

color of state law, including a private defendant only if the factfinder concludes that the defendant was a willful participant in joint action with a state actor directed at the alleged retaliation.

68. This Count does not seek damages for a judicial ruling as such, does not seek damages from a prosecutor for plea negotiations, and does not seek a determination that the Wisconsin conviction is invalid.

[Original page 9; source collection PDF 152]

69. To the extent adjudication of a separable damages component would necessarily imply the invalidity of the conviction, Plaintiff does not seek present adjudication of that component. To the extent Younger requires abstention from a separable damages component while postconviction proceedings remain pending, Plaintiff requests a stay rather than dismissal.

IX. COUNT II - WISCONSIN TREATMENT-RECORD ACCESS, WIS. STAT. § 51.30(9), AGAINST PSG

70. Plaintiff realleges paragraphs 1 through 45.

71. Wis. Stat. § 51.30(5)(b) provides a parent of a minor the same treatment-record access rights as the subject individual, subject to the statute's exceptions and privileges. Section 51.30(5)(bm) removes those parental rights when the parent has been denied periods of physical placement under Wis. Stat. §§ 767.41(4)(b) or 767.451(4).

committed corruption or conspiracy on the present motion record.

V. CIVIL L.R. 15 STATEMENT OF SPECIFIC CHANGES

The attached Proposed First Amended and Supplemental Complaint makes the following specific changes:

* restates the entire pleading in one document and labels post-May 5 events as supplemental allegations under Rule 15(d);

* narrows the principal federal claim to First Amendment retaliation and identifies the documented protected activity, adverse processes, chronology, and defendant-specific facts relied upon;

* removes conspiracy as a stand-alone count and uses joint action only as a state-action theory where supported by specific facts;

+ does not seek damages for judicial acts and does not request federal alteration of any Wisconsin judgment;

[Original page 9; source collection PDF 143]

+ does not presently plead federal malicious prosecution while the conviction remains outstanding, while expressly stating that this procedural limitation is not an admission that surrounding conduct was lawful;

+ adds the August 20 disposition and prosecutor correspondence, the August 10 family-court records

concerns the requested non-exempt treatment, intake, referral, administrative, authorization, disclosure, and related records to which the statutory parental access provisions apply.

78. PSG's invocation of 45 C.F.R. § 164.502(g)(5), professional judgment, safety, privilege, or any other lawful exception presents a defense to be

[Original page 10; source collection PDF 153]

applied to the actual facts and requested categories. The September letter did not identify the specific court order that PSG contended independently prohibited all access.

79. To the extent PSG violated § 51.30 by withholding records to which Plaintiff possessed a statutory right of access, Plaintiff seeks the remedies authorized by § 51.30(9).

X. RETALIATORY MISUSE OF PROCESS; CLAIMS NOT PRESENTLY ASSERTED

80. The documented criminal, injunction, contempt, police-report, and records-access sequence is pleaded as part of the First Amendment retaliation theory and as evidence of alleged retaliatory misuse of governmental process.

81. Plaintiff does not presently plead a stand-alone federal malicious-prosecution count because the existing conviction creates a current favorable-termination and Heck barrier. This omission is procedural and is not an admission concerning probable cause, motive, reporting

Respectfully submitted,
s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff Pro Se
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
Mathiew.fox@gmail.com

87. Plaintiff seeks punitive damages only against an individual defendant if the governing federal or state standard is satisfied.

[Original page 11; source collection PDF 154]

88. On Count II, Plaintiff seeks the remedies authorized by Wis. Stat. § 51.30(9), subject to proof and any valid defense.

89. Plaintiff seeks prospective or declaratory relief only to the extent it addresses an ongoing independent injury and does not require this Court to review, alter, or supervise a Wisconsin judgment.

90. Plaintiff does not seek double recovery for any injury also at issue in Case No. 26-cv-772.

XII. JURY DEMAND

91. Plaintiff demands a jury trial on all issues so triable.

Dated this 21st. day of September, 2026,

Respectfully submitted,
s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff Pro Se
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
Mathiew.fox@gmail.com

2. Exhibit A is a four-page excerpt of email correspondence between my then-criminal-defense counsel and Kenosha County prosecutor Vincent Kurta concerning Case No. 2025CF001639. I intentionally excluded communications between me and my attorney. I offer Exhibit A for the prosecutor-defense counsel communications appearing on their face, including the August 20, 2026 statement quoted in the motion.

3. Exhibit B is a redacted Wisconsin Circuit Court Access disposition for Kenosha County Case No. 2025CF001639. I offer it to document the August 20, 2026 trial-level disposition, dismissed-and-read-in counts, restitution, fine and costs, bond history, and later notice of intent to pursue postconviction relief.

4. Exhibit C is family-court Document 502, filed June 24, 2026, containing my records-access submission and provider-specific authorizations. I offer it to

[Original page 2; source collection PDF 156]

show the scope of the request, legal authorities I identified, and protective alternatives I requested.

5. Exhibit D is family-court Document 510, filed July 1, 2026. It is a proposed order that I submitted. I do not represent that it was entered. I offer it only to show the neutral records-processing procedure I requested.

PLAINTIFF'S MOTION UNDER FED. R. CIV. P. 60(b)(6) AND 62.1 FOR AN INDICATIVE RULING; FOR LEAVE, UPON REMAND, TO FILE A FIRST AMENDED AND SUPPLEMENTAL COMPLAINT UNDER RULES 15(a)(2) AND 15(d); AND MEMORANDUM IN SUPPORT

Plaintiff Mathiew Rae Fox, proceeding pro se, moves under Rules 60(b)(6) and 62.1 for an indicative ruling that this motion raises a substantial issue and that, if the Seventh Circuit remands for that purpose, this Court would vacate the judgment to the limited extent necessary to permit filing of the attached Proposed First Amended and Supplemental Complaint. Plaintiff does not ask this Court to reverse, alter, supervise, or declare invalid any Wisconsin custody, contempt, harassment-injunction, criminal, restitution, or postconviction judgment.

The requested relief is based principally on material events that did not exist when judgment entered on July 15, 2026: the August 20 trial-level criminal disposition; the prosecutor's contemporaneous plea-negotiation email expressly identifying an anticipated licensing-board complaint from the complaining witness as a consideration in rejecting a narrower disposition; and the September PSG records sequence, in which PSG initially stated that it could begin assembling the requested records and then issued a formal denial invoking 45 C.F.R. § 164.502(g)(5) and requiring an explicit certified circuit-court order. The earlier family-court filings and police materials are used only to establish

No. 2026CV000107. I offer it only as pre-judgment context concerning provider employment, licensing-board reporting, police-report history, and the asserted litigation/preservation purpose of provider communications. I do not offer it as Rule 60(b)(2) newly discovered evidence.

11. Exhibit J contains Kenosha Police Department report material concerning provider-directed communications and alleged injunction violations. I offer it only for the limited chronology described in the motion and do not offer it as proof that the investigation, referral, or injunction was unlawful. I do not offer it as Rule 60(b)(2) newly discovered evidence.

12. Before the September PSG correspondence, I had sought court-directed release of Pathways and PSG records, supplied authorizations, identified asserted legal authority, narrowed the requested categories, and proposed protective and neutral-processing alternatives as reflected in Exhibits C-E and H.

13. I have not included privileged communications between me and my criminal-defense attorney as exhibits supporting this motion.

4. Plaintiff attaches one complete Proposed First Amended and Supplemental Complaint rather than a separate supplemental pleading. That pleading restates the case in full, narrows claims identified as defective in ECF No. 60, and adds later events under Rule 15(d). This structure complies with Civil L.R. 15 and avoids forcing the Court to assemble an operative complaint from multiple documents.

II. RULE 60(b)(6) IS THE GATE; RULE 15 FOLLOWS

BLOM Bank SAL v. Honickman controls the order of operations. A party seeking Rule 60(b)(6) relief must first establish extraordinary circumstances; the standard does not become less demanding merely because the requested next step is amendment under Rule 15. 605 U.S. 204, 212-16 (2025). The Seventh Circuit likewise does not permit Rule 60 to become a vehicle for arguments or evidence that could have been presented before judgment. Word Seed Church v. Village of Homewood, 43 F.4th 688, 690-93 (7th Cir. 2022).

This motion therefore does not treat the March 2026 injunction transcript, 2025 police reports, April 2026 records motion, June authorizations, or July proposed records procedure as new evidence. Those materials predate judgment. Their role is narrower: they show that the postjudgment events concern the same protected reporting, provider-record, preservation, and

Motion to extend time to appeal

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 68; filed 08/21/26

[Original page 1; source collection PDF 53]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL UNDER FED. R. APP. P. 4(a)(5) AND 28 U.S.C. § 2107(c)

Plaintiff Mathiew Rae Fox respectfully moves for an order extending the time to file his notice of appeal through August 17, 2026, and treating the notice docketed that day at ECF No. 63 as timely. This motion is made under 28 U.S.C. § 2107(c), Federal Rule of Appellate Procedure 4(a)(5), and Civil Local Rule 7(h).

On August 20, 2026, the criminal case changed posture at the trial-court level. The public disposition reflects a guilty plea to an amended misdemeanor disorderly-conduct count; Counts 2 through 5 were dismissed and read in; $4,250 in restitution was stipulated; a $500 fine plus costs was imposed; and Plaintiff later filed a notice of intent to pursue postconviction relief. Ex. B. Plaintiff does not characterize this as favorable termination and does not ask this Court to invalidate the conviction.

The contemporaneous plea correspondence adds a different kind of fact. Defense counsel proposed resolving the case with one amended disorderly-conduct count and no read-ins. The prosecutor responded: "No, we have to dismiss and read in everything, especially if Count 1 is amended to a DC. I would get a complaint to the board from the victim if we give the case away." Ex. A at 4.[1]

[Original footnotes]

1 Plaintiff accuses Defendants of punishing his DSPS complaint as a crime and then honoring White's threatened DSPS complaint as leverage. Plaintiff petitioned DSPS concerning White's professional conduct. That petition was treated in the state proceedings as harassment and was routed into criminal enforcement. On August 20, 2026, the prosecutor refused a single amended disorderly-conduct count without read-ins because, in his words, "I would get a complaint to the board from the victim if we give the case away." The same licensing-board channel was therefore criminalized when Plaintiff used it and treated as a veto when White threatened to

Monday, August 17, the next business day. ECF No. 63.

5. Section 2107(c) and Rule 4(a)(5)(A) authorize an extension when the party moves no later than thirty days after the original period expires and shows excusable neglect or good cause. This motion is being filed within that statutory period, and the requested extension through August 17 is within Rule 4(a)(5)(C).

6. Good cause exists because Fox completed and mailed original notices well before the deadline, those notices were never docketed, and he acted again before the deadline. The record shows a timely intent to appeal, a failed first transmission, a replacement mailing postmarked on the deadline, and receipt on the next business day. Those circumstances were not created to delay proceedings or obtain a tactical advantage.

B. The postjudgment PSG correspondence converted a pending records dispute into a developed, documented denial.

The provider-record dispute was already part of the original case. Dkt. 1 pleaded preservation notices, provider-conflict objections, records requests, and efforts to separate lawful preservation activity from prohibited personal contact. See, e.g., Dkt. 1 ¶¶109-125, 127-134, 139-150, 253- 280. The family-court chronology also shows that Plaintiff sought a court-directed release mechanism on April 20, 2026; that Commissioner Smathers declined the proposed relief on April 21 because the request did not state a legal basis for which relief could be granted; that Plaintiff later supplied provider-specific authorizations and identified legal authorities on June 24; and that he proposed a neutral records-processing mechanism on July 1. Exs. C, D, H. Those pre-judgment materials are chronology, not Rule 60(b)(2) evidence.

After judgment, the dispute matured. On August 10, the circuit court electronically declined Plaintiff's proposed order seeking a prompt ruling on the pending records requests, Ex. E. On September 2, PSG Vice President of Clinical Operations Leah Featherstone wrote that she had

Respectfully submitted,
s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff pro se
2726 83rd Street
Kenosha, Wisconsin 53143
(262) 203-3109
mathiew.fox@gmail.com

Featherstone separately stated that PSG had no records for E.F. . Ex. F.

The significance is not that a provider denial is automatically unlawful. It is that the postjudgment correspondence supplies an objective, developed position that did not exist at judgment and completes the procedural loop Plaintiff had been attempting to resolve: he sought a court-directed release mechanism, identified authority, narrowed the request, proposed protective alternatives, and later received a provider denial requiring the very kind of explicit court order he had been attempting to obtain. The proposed amended pleading now separates that records claim from any request to overturn family-court rulings and pleads the Wisconsin records statute directly against PSG.

4. On August 4, 2026, I signed the notices and placed them in the United States mail, addressed to the Clerk of Court at the Milwaukee federal courthouse, with first-class postage prepaid.

[Original page 2; source collection PDF 57]

5. The original notices did not appear on either district-court docket. By August 12, I had checked the dockets and determined that the notices had not been entered.

6. On August 12, I prepared replacement notice files for both cases. Exhibit B is a true and correct screenshot from my computer showing the replacement files and the August 12 modification dates displayed by the computer. The replacements reproduced the notices previously sent and retained the August 4 date shown on the originals.

7. I placed a handwritten note with the replacement filing stating that it was my second attempt to file and that the first notices had been sent August 4. Exhibit C contains a true and correct copy of that note and the envelope retained in the district-court record.

8. I mailed the replacement notices no later than August 14. The retained envelope bears an August 14 postmark. The Clerk docketed the replacement notice in this case on Monday, August 17, 2026. ECF No. 63.

9. Throughout this period, I intended to appeal. I did not delay filing to obtain an advantage, impose

[Original page 6; source collection PDF 140]

The police/injunction materials do not prove a constitutional violation by themselves. Their function is to demonstrate continuity: the August prosecutor email and September provider denial concern the same reporting, provider, preservation, and enforcement subjects that existed before judgment. The proposed pleading therefore does not manufacture a new lawsuit from later evidence; it narrows and supplements theories already present in Dkt. 1.

IV. THE PROPOSED PLEADING CURES, RATHER THAN EVADE, THE DEFECTS IDENTIFIED IN ECF NO. 60

A. Rooker-Feldman and the domestic-relations doctrine.

The proposed complaint does not invoke a fraud or corruption exception to Rooker-Feldman. See Hadzi-Tanovic v. Johnson, 62 F.4th 394, 406-08 (7th Cir. 2023). It accepts that this Court may not review and reject Wisconsin judgments and does not rely on the pendency of state appellate review after T.M. v. University of Maryland Medical System Corp., 608 U.S.__, 146 S. Ct. 1739, 1743-44, 1749-51 (2026).

Instead, the proposed federal claim is limited to asserted injuries that do not require invalidation of a custody, contempt, injunction, or criminal judgment. That is the distinction required by Seventh Circuit law: Rooker-Feldman turns on whether the state judgment caused the federal injury. See Gilbank v.

Jurisdictional memorandum excerpts

Seventh Circuit 26-2694; Dkt. 9; filed 08/28/2026

[Original page 9; source collection PDF 51]

The record here supplies that path. The district court should therefore be permitted to determine whether the established circumstances satisfy § 2107(c) and Rule 4(a)(5).

V. The Court should defer disposition until the district court rules on ECF No. 68

This Court's August 18 order expressly directed Appellant to seek any requested extension in the district court and required this memorandum to discuss the status of such a motion.

Appellant complied on August 21. Dist. Ct. ECF No. 68. His supporting declaration was filed the same day. Dist. Ct. ECF No. 69.

The district-court docket reviewed on August 24, 2026, reflected no ruling on ECF No. 68.

If the district court grants the requested extension through August 17, the notice docketed on that date will fall within the extended appeal period authorized by § 2107(c) and Rule 4(a)(5). That alternative request does not waive Appellant's preserved position concerning the legal effect of his August 4 mailing and related pre-deadline filing efforts.

Accordingly, Appellant respectfully requests that this Court defer disposition of the jurisdictional

[Original page 7; source collection PDF 141]

If Younger applies to a separable damages component, the ordinary disposition is a stay where damages cannot be recovered in the state proceeding. See Gakuba v. O'Brien, 711 F.3d 751, 753 (7th Cir. 2013). The proposed complaint expressly requests that result rather than federal interference with ongoing postconviction proceedings.

C. State action and judicial immunity.

The proposed complaint no longer treats adverse judicial rulings as actionable damages conduct and does not ask this Court to infer a conspiracy merely because private parties prevailed in state proceedings. It states the documented private-party connections affirmatively: Anderson acknowledged receiving information from White before contempt litigation; Sarah Fox testified to direct communications and a relationship with White and to receiving Plaintiff's DSPS complaint from White; White testified to continuing communications with Sarah and to her Pathways/PSG employment; and later government correspondence expressly identified anticipated complaint-channel pressure from the complaining witness. Dkt. 1 ¶¶127-134, 163- 176; Ex. A.

Those facts do not automatically resolve the state-action question. The proposed pleading uses them to support a defendant-specific joint-action inference, not a free-standing conspiracy label.

72. Section 767.41(7)(a) separately provides, subject to paragraph (b) and contrary court order, that a parent has access to a child's medical records regardless of legal custody.

73. Section 51.30(9) creates a civil action for violations of § 51.30 and authorizes proven damages, statutory exemplary damages where applicable, costs and attorney fees, and injunctive relief or an order compelling compliance.

74. Plaintiff maintains that he has not been denied periods of physical placement under Wis. Stat. §§ 767.41(4)(b) or 767.451(4), the provisions identified in Wis. Stat. § 51.30(5)(bm), and that the operative order provides supervised physical placement.

75. PSG possessed M.F. 's records, initially indicated on September 2 that after clarification it could begin assembling them, received a detailed request on September 3, and then issued a categorical written denial requiring an explicit certified circuit-court order. Exs. F-G.

76. Plaintiff had already pursued authorizations, legal authority, protective conditions, neutral custodians, and court-directed release procedures before PSG issued that denial. Exs. C-E, H.

77. Plaintiff does not claim an unrestricted right to psychotherapy notes, privileged material, or information lawfully withheld under an applicable federal or state exception. The claim

[Original page 8; source collection PDF 142]

dispute: whether PSG lawfully denied all requested non-exempt records to a parent who maintains court-ordered physical placement, after first indicating it could assemble the records, and whether the statutory exceptions on which PSG relies actually apply to the requested categories. Unlike a § 1983 theory against a private provider, that Wisconsin claim does not depend on proving PSG was a state actor.

E. Claim splitting and Rule 11.

The proposed complaint disclaims double recovery and does not repackage the same judgment-based claims merely to avoid Case No. 26-cv-772. Its supplemental core consists of events that occurred after the April 30 filing of 772 and, in several instances, after judgment in this case. To the extent an earlier claim is duplicative of 772, Plaintiff does not seek parallel adjudication of the same cause of action.

The postjudgment prosecutor email also materially changes the Rule 11 context. ECF No. 60 inferred possible revenge from the then-ongoing criminal case. The later email does not prove Plaintiff was right about every pleaded theory. But it independently confirms that complaint-channel pressure from the complaining witness entered the State's resolution calculus. That is precisely why an indicative ruling and a narrower pleading are appropriate. Plaintiff seeks no Rule 11 sanctions, criminal findings, or declaration that any defendant

conduct, or the lawfulness of independently actionable acts surrounding the prosecution.

82. Plaintiff does not presently plead a stand-alone Wisconsin abuse-of-process count because Wisconsin law requires not only an ulterior purpose but a subsequent misuse of issued process to obtain a collateral advantage. Plaintiff preserves the documented process facts and does not concede that every use of process described above served a proper purpose.

83. Plaintiff does not plead a stand-alone civil-conspiracy count. Joint action is used only as the state-action mechanism described in paragraphs 54 through 59.

84. Plaintiff does not seek sanctions or a finding that any person committed a crime, corruption, or professional misconduct through this pleading.

XI. DAMAGES AND RELIEF

85. Plaintiff seeks compensatory damages against nonimmune defendants for proven independent injuries caused by actionable conduct, including litigation impairment, records-process injury, lost income or employment-related loss to the extent causally proven, increased litigation expense, and other legally recoverable loss.

86. Plaintiff seeks nominal damages for any proven constitutional violation for which compensatory damages are unavailable or unproven.

event, and the September PSG correspondence as Rule 15(d) supplemental facts;

+ adds a Wisconsin statutory records-access count under Wis. Stat. § 51.30(9) against PSG, subject to any valid statutory, privilege, or federal-law defense;

* preserves damages only for independent injuries caused by actionable conduct, not simply for the existence of adverse state judgments; and

* expressly requests a stay, rather than dismissal, of any separable damages component for which Younger requires abstention while state proceedings remain pending.

VI. RELIEF

Plaintiff respectfully requests an order under Rule 62.1(a)(3) stating that this motion raises a substantial issue and that, if the Seventh Circuit remands for that purpose, the Court would grant Rule 60(b)(6) relief to the limited extent necessary to vacate the judgment, permit filing of the attached First Amended and Supplemental Complaint, and adjudicate that pleading under the ordinary Rules. Plaintiff requests no present adjudication of the merits of any state judgment and no finding that any person committed a crime, corruption, conspiracy, or professional misconduct.

Dated this 21st. day of September, 2026,

Rule 60(b)(6) / Rule 62.1 motion

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 75; filed 09/22/26

[Original page 1; source collection PDF 135]

United States District Court
Eastern District of Wisconsin
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

Declaration supporting Rule 60 / Rule 62.1 motion

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 76; filed 09/22/26

[Original page 1; source collection PDF 155]

United States District Court
Eastern District of Wisconsin
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

DECLARATION OF MATHIEW RAE FOX IN SUPPORT OF RULE 60(b)(6) / RULE 62.1 MOTION

I, Mathiew Rae Fox, declare under penalty of perjury under 28 U.S.C. § 1746 as follows:

1. I am the Plaintiff in this action. I have personal knowledge of the communications I sent or received and of the filings I made. For public docket materials, court transcripts, and police materials, I authenticate only that the attached exhibit is a true and correct copy of the material I obtained from the identified source; I do not convert another person's statement into a judicial finding by attaching it.

continuity and context. They are not offered as newly discovered evidence under Rule 60(b)(2).

[Original page 2; source collection PDF 136]

I. RELIEF REQUESTED AND PROCEDURAL POSTURE

1. On July 15, 2026, the Court dismissed the complaint without prejudice and without leave to amend. ECF No. 60 at 2, 5-7. It held that Rooker-Feldman, Younger abstention, the domestic-relations doctrine, judicial immunity, state-action deficiencies, and possible claim splitting defeated the pleaded claims, and it found amendment futile. Id. at 5-7.

2. The same order directed Plaintiff to show cause under Rule 11 because the Court stated that the circumstances suggested Plaintiff "may be trying to use this Court's authority to exact revenge" against participants in prior proceedings. ECF No. 60 at 8. Plaintiff responded at ECF No. 62 and appealed. Appeal No. 26-2694 remains pending.

3. Because the appeal is pending, Rule 62.1 authorizes this Court to deny the motion, defer it, or state that it would grant relief on remand or that the motion raises a substantial issue. Fed. R. Civ. P. 62.1(a); Fed. R. App. P. 12.1. The Seventh Circuit has recently confirmed that Rule 62.1 remains available in this posture. Agee v. Hickenbottom, Nos. 25-1737 & 25-2180, slip op. at 6- 8 (7th Cir. July 17, 2026).

6. Exhibit E is family-court Document 521 showing that on August 10, 2026 Judge Gerad Dougvillo electronically declined my proposed prompt-ruling order. I offer the document as a docket event, not as proof of motive or as a request that this Court review the correctness of the ruling.

7. Exhibit F contains redacted PSG records correspondence. It includes Leah Featherstone's September 2, 2026 email stating that she had received my records request through counsel, requesting clarification, and stating that after clarification she could start getting the records together; my September 3 detailed response; my September 7 counsel-routed follow-up; and the September 8 transmission of PSG's denial.

8. Exhibit G is PSG's September 3, 2026 written denial concerning M.F. 's treatment records. I offer it to document PSG's stated position and legal basis. I do not offer the letter as proof that PSG's legal interpretation or mine is correct.

9. Exhibit H contains Kenosha County family-court Documents 483 through 485. Document 483 is my April 20, 2026 motion seeking authorizations or direct provider release; Document 484 is the proposed order; and Document 485 reflects the April 21 electronic decline stating that the request did not state a legal basis for which it could be granted.

10. Exhibit I is a certified excerpt of the March 4, 2026 hearing transcript in Kenosha County Case

[Original page 3; source collection PDF 137]

criminal-process subjects already placed before the Court in Dkt. 1. The Rule 60(b)(6) showing rests on what happened after July 15.

The posture also differs materially from BLOM Bank. There, the plaintiffs had declined earlier opportunities to amend. 605 U.S. at 206-08, 215-16. Here, ECF No. 60 dismissed the first complaint and denied leave in the same order because the Court found amendment categorically futile. Plaintiff did not decline a prior opportunity to cure. That difference is not itself extraordinary, but it matters when postjudgment facts directly bear on the premises supporting futility, abstention, and the Rule 11 purpose inference.

III. THE POSTJUDGMENT EVENTS WARRANT AN INDICATIVE RULING

A. The August 20 disposition and prosecutor email changed the criminal-process posture and materially bear on ECF No. 60's purpose inference.

ECF No. 60 applied Younger because an "ongoing criminal prosecution" charged Plaintiff with, among other things, stalking White. ECF No. 60 at 1, 6. The same ongoing prosecution was then cited in support of the Court's concern that Plaintiff might be using federal litigation to exact revenge. Id. at 8. Those propositions were consequential: one supported abstention and the other generated a Rule 11 show-cause order.

[Original page 3; source collection PDF 157]

14. I do not ask the Court through this motion to find that any person committed a crime, corruption, conspiracy, or professional misconduct. Where I draw an inference concerning retaliation, motive, or coordination, I rely on the underlying documents and identify that proposition as an inference rather than an existing judicial finding.

15. I continue to pursue state postconviction review of the criminal judgment. I do not ask this Court to invalidate that judgment through this Rule 60 / Rule 62.1 motion.

16. To the best of my knowledge, Exhibits A through J are true and correct copies of the materials described above, subject to the redactions shown in the filing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 21st. day of September, 2026,

Respectfully submitted,
s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff Pro Se
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
Mathiew.fox@gmail.com

[Original page 4; source collection PDF 138]

That sentence is not Plaintiff's characterization of motive. It is a contemporaneous government communication. Standing alone, it does not establish that White previously threatened the prosecutor, that White and the State entered an agreement, or that the prosecution lacked a lawful basis. What it does establish is that the prosecutor expressly identified an anticipated licensing-board complaint from the complaining witness as a consideration when rejecting the proposed narrower disposition. The Court did not have that fact when it inferred that Plaintiff's federal filing itself may have been retaliatory or vengeful.

The distinction matters under Rule 60(b)(6). This is not merely cumulative support for an old argument. The August 20 disposition and email did not exist on July 15 and could not have been produced earlier through diligence. They arose within weeks of a judgment that treated the prosecution as ongoing and simultaneously used that prosecution as part of an improper-purpose inference. They therefore warrant reassessment through a concrete amended pleading rather than through the categorical futility determination made on the pre-August record.

MATERIAL FACTS AND ARGUMENT

1. The Court entered its dismissal order on July 15, 2026, ECF No. 60, and entered a separate judgment the same day, ECF No. 61. The ordinary thirty-day appeal period therefore expired Friday, August 14, 2026. See Fed. R. App. P. 4(a)(1)(A).

2. Fox prepared the notices for both related cases on August 3. The computer file list reproduced in Exhibit A displays the notice files with August 3 modification dates. Fox signed and mailed the original notices on August 4, ten days before the deadline. Fox's accompanying declaration supplies the mailing facts from personal knowledge.

[Original page 2; source collection PDF 54]

3. The original notices did not appear on either docket. After checking the dockets, Fox prepared replacement files on August 12. Exhibit B is a true and correct screenshot showing the replacement files with August 12 modification dates. The replacements reproduced the notices previously sent and retained their August 4 execution date.

4. Fox mailed the replacement notice for this case with a handwritten note stating that it was his second attempt to file and that the first had been sent August 4. The retained envelope bears an August 14 postmark. See Exhibit C; ECF No. 65 at 8-10. The Clerk docketed the notice on

[Original footnote 1, continued]

use it. Plaintiff's accusation is that this is not evenhanded enforcement. It is viewpoint- and speaker-dependent use of a petitioning channel: his DSPS complaint became evidence against him; her anticipated DSPS complaint became a reason to keep dismissed counts in the criminal judgment through read-ins. The email is the State's contemporaneous admission of the second half of that arrangement. Plaintiff does not ask this Court to vacate the conviction or to discipline the prosecutor on this motion. He asks leave to plead that the State and White used the DSPS complaint process as a weapon against protected petitioning when he employed it and as a bargaining chip when she did.

[Original page 5; source collection PDF 139]

received the request through counsel, asked Plaintiff to identify the records sought, and stated that once he did so she could "start getting them together." Ex. F. On September 3, Plaintiff supplied dates of birth and a detailed request beginning with the initial referral and intake and continuing through the then-current record, while emphasizing the initial intake and referral materials. Id.

PSG then issued a written denial dated September 3 and transmitted September 8. The letter denied access to M.F. 's mental-health treatment records; invoked 45 C.F.R. § 164.502(g)(5) and Wisconsin privacy protections; referred generally to danger, safety, and modified custody or placement rights; and stated that PSG would not release the specific treatment files without an explicit, certified Wisconsin circuit-court order directing release. Ex. G.

[Original page 3; source collection PDF 55]

7. Alternatively, the short delay constitutes excusable neglect. The inquiry considers the danger of prejudice, length and impact of delay, reason for delay and whether it was within the movant's control, and good faith. Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership, 507 U.S. 380, 395 (1993). In a closely analogous case, the Seventh Circuit upheld an extension where mail trouble contributed to a two-day delay, emphasizing the district court's discretion and the absence of prejudice. Mayle v. Illinois, 956 F.3d 966, 968-69 (7th Cir. 2020). Here, the docketing delay was three calendar days and one business day; the first mailing occurred ten days before expiration; the replacement was postmarked by the deadline; no merits proceedings were disrupted; no party would suffer cognizable prejudice from the short extension; and Fox acted in good faith.

8. Fox therefore requests an order extending the time to file the notice of appeal through August 17, 2026, treating ECF No. 63 as timely filed, and directing the Clerk to transmit notice of the extension order to the Seventh Circuit.

Dated: August 17, 2026

C. The older police and injunction materials corroborate continuity; they are not independent Rule 60 grounds.

The March 4, 2026 injunction transcript and police materials predate judgment. They are included only because they show that the disputed communications were contemporaneously tied to provider preservation, Pathways/PSG, licensing complaints, and family-court litigation. Dkt. 1 already pleaded that the children received services through Pathways and PSG, that White worked in that provider ecosystem, that White and Sarah Fox communicated about Plaintiff's DSPS complaint, that Anderson acknowledged White as a source of information used in contempt litigation, and that provider-directed emails were evaluated in the criminal track. Dkt. 1 ¶¶127-134, 163-176, 188-198, 253-280.[2]

[Original footnotes]

2 In Appeal No. 2025AP2229, the circuit court found that my reporting of alleged misconduct constituted contemptuous conduct. The court separately found no contempt arising from the incident involving my children's school, yet nevertheless imposed restrictions affecting my ability to see my children. I was also ordered to incur and

Declaration supporting appeal extension

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 69; filed 08/21/26

[Original page 1; source collection PDF 56]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

DECLARATION OF MATHIEW RAE FOX UNDER 28 U.S.C. § 1746

I, Mathiew Rae Fox, declare as follows:

1. I am the plaintiff in this action. I have personal knowledge of the facts stated in this declaration and could testify competently to them.

2. The Court entered judgment on July 15, 2026. ECF No. 61. I intended to appeal that judgment and did not abandon or reconsider that decision.

3. On August 3, 2026, I prepared and saved notices of appeal for Case Nos. 2:26-cv-00797-BHL and 2:26-cv-00772-BHL. Exhibit A is a true and correct screenshot from my computer showing those files and the August 3 modification dates displayed by the computer.

Wood County Department of Human Services, 111 F.4th 754, 766-67 (7th Cir. 2024) (en banc). The amended pleading expressly disclaims federal alteration of custody, placement, contempt, injunction, restitution, or conviction. Family-court rulings remain chronology, not the requested remedy.

B. Younger and Heck.

The August 20 plea does not erase all abstention concerns because state postconviction proceedings remain pending. Plaintiff therefore does not argue that Younger has categorically vanished. Nor does he plead a federal malicious-prosecution count while the conviction remains outstanding. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); Thompson v. Clark, 596 U.S. 36, 39, 49 (2022). The criminal sequence is pleaded for retaliation, motive, context, causation, and damages only to the extent adjudication does not necessarily imply the conviction's invalidity.

[Original footnote 2, continued]

pay attorney fees associated with those proceedings. During the litigation, Attorney Anderson acknowledged that Hollie White was the person who reported the underlying matter to him. The case remains pending and is being prepared for filing with the United States Supreme Court as a Petition for a Write of Certiorari. (Unnecessary litigation cause be Judge Iverson).

expense, or disrupt proceedings. I acted to correct the missing filings before the original deadline expired.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2026, at Kenosha, Wisconsin.

s/ Mathiew Rae Fox
Mathiew Rae Fox

That is the proper inquiry under Dennis v. Sparks, 449 U.S. 24, 27-28 (1980), and Seventh Circuit precedent requiring more than bare allegations of joint action. See Scott v. University of Chicago Medical Center, 107 F.4th 752, 758 (7th Cir. 2024).

D. The records claim now includes a direct Wisconsin cause of action rather than forcing every provider dispute into § 1983.

Wisconsin law expressly provides that, except under the statutory exception or unless otherwise ordered, access to a child's medical, dental, and school records is available to a parent regardless of legal custody. Wis. Stat. § 767.41(7)(a). Section 51.30(5)(b) provides parents of minors the same treatment-record access rights as subject individuals, while § 51.30(5)(bm) removes those parental rights where the parent has been denied periods of physical placement under the specified statutes. Section 51.30(9) expressly authorizes a civil action for violations and permits damages and injunctive relief.

The amended pleading does not ask this Court to assume that PSG's denial violated those statutes. PSG has identified § 164.502(g)(5) and safety concerns, and privileges or other lawful exceptions may apply. The proposed state-law count instead identifies the concrete statutory

question and hold Appeal No. 26-2694 pending the district court's ruling on ECF No. 68.

[Original page 10; source collection PDF 52]

Appellant will promptly notify this Court of the district court's disposition and will provide any further jurisdictional submission the Court directs.

CONCLUSION

Appellant respectfully requests that the Court defer dismissal and hold Appeal No. 26-2694 pending the district court's disposition of Appellant's Motion for Extension of Time, Dist. Ct. ECF No. 68, filed pursuant to 28 U.S.C. § 2107(c) and Federal Rule of Appellate Procedure 4(a)(5).

s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff-Appellant, pro se
2726 83rd St.
Kenosha, Wisconsin 53143
(262) 203-3109
mathiew.fox@gmail.com

Dated this 25th day of August, 2026.

Opposition to White / Pathways motion to dismiss

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 38; filed 06/17/26

[Original page 1; source collection PDF 99]

United States District Court
Eastern District of Wisconsin
Case No. 26-CV-0797-BHL
MATHIEW R. FOX, Plaintiff,
v.
ALEXANDRA K. SMATHERS, HEATHER IVERSON,
THOMAS W. ANDERSON JR., HOLLIE WHITE, SARAH FOX,
PATHWAYS CONSULTING, and PROFESSIONAL SERVICES GROUP, Defendants.

PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANTS HOLLIE WHITE AND PATHWAYS CONSULTING'S MOTION TO DISMISS

Plaintiff Mathiew R. Fox opposes Defendants Hollie White and Pathways Consulting's motion to dismiss. The motion rests on an overbroad premise: because White and Pathways are private actors, the complaint cannot state a claim under 42 U.S.C. § 1983. That premise is incomplete. Private status is not dispositive where the complaint plausibly alleges joint participation, state-linked use of legal process, protected-activity retaliation, provider-record impairment, and conduct fairly attributable to state action.

Plaintiff does not have to prove state action at the pleading stage. He must plead facts permitting a reasonable inference that White and Pathways participated in a state-linked sequence that caused federal injury. The complaint does that. It does not sue White merely because she was a witness, injunction petitioner, complainant, former partner, private citizen, or provider employee. Nor does it sue Pathways merely because it provided therapy services, maintained records, received preservation notices, or employed persons referenced in state proceedings. The

[Original page 2; source collection PDF 100]

pleaded claim is narrower: White and Pathways allegedly became part of a state-linked course of conduct involving provider-conflict objections, preservation notices, subpoena practice, court-process use, Anderson-related communications, Sarah Fox-related communications, injunction consequences, criminal-track escalation, and impairment of Plaintiff's ability to pursue lawful parental-access and record-protection remedies.

The critical exhibits attached to this brief are limited. They do not ask the Court to decide factual disputes. They show that the allegations are concrete, dated, and traceable to identifiable records rather than speculative conclusions. The motion should be denied. At minimum, if the Court concludes any allegation is insufficiently pleaded, Plaintiff should be granted leave to amend.

I. BACKGROUND

Plaintiff filed this civil-rights action under 42 U.S.C. § 1983 alleging violations of the First and Fourteenth Amendments. The complaint alleges retaliation, denial of meaningful access to courts, procedural due-process deprivation, impairment of lawful parental-access efforts, and state-linked private conduct causing independent federal injury. Dkt. 1 ¶¶ 1-15.

The complaint expressly limits the case. Plaintiff does not ask this Court to decide custody, placement, child support, contempt, injunction, subpoena,

evidentiary, provider, criminal, employment, publication, or domestic-relations merits. Dkt. 1 ¶¶ 3-6. Plaintiff does not seek reversal, modification, or supervision of any Wisconsin state-court order. Id. Instead, Plaintiff alleges that protected petitioning, reporting, preservation, provider-record, medical-record, provider-conflict, appellate, writ-related, OLR-related, Judicial Commission-related, DSPS[1]-related, and HHS/OCR-related activity was followed by adverse action that impaired federal rights. Dkt. 1 ¶¶ 7-11.

As to White, the complaint alleges that she is a private actor, but not immune from liability if discovery proves state action, joint participation, conspiracy, misuse of state authority, ratification, or state-linked conduct causing federal injury. Dkt. 1 ¶¶ 40-47. The complaint further alleges that White's relevance is not merely her status as a witness or complainant, but her position at the intersection of provider entities, Sarah Fox, Anderson, family-court proceedings, injunction proceedings, and criminal-track escalation. Id.

[Original footnotes]

1 DSPS references Department of Safety and Professional Services. They are a licensing agency. See https://dsps.wi.gov/pages/Home.aspx

[Original page 3; source collection PDF 101]

As to Pathways, the complaint alleges that Pathways is a private provider entity, but that its role became material through provider-record access, preservation notices, subpoenas, court-related use of treatment information, provider-conflict objections, and alleged state-linked consequences. Dkt. 1 ¶¶ 48-52. Plaintiff does not plead HIPAA as a standalone private damages claim. Rather, the provider-record and preservation allegations are pleaded as notice, protected activity, causation, process impairment, and federal-injury facts.

II. LEGAL STANDARD

A Rule 12(b)(6) motion tests the sufficiency of the complaint, not whether Plaintiff will ultimately prove the facts alleged. The Court must accept well-pleaded factual allegations as true and draw reasonable inferences in Plaintiff's favor. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The complaint need only state a plausible claim for relief. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Defendants also invoke Rule 12(b)(1), but their argument is principally that the complaint does not adequately plead state action. That is a merits issue under § 1983 unless the federal claim is wholly insubstantial or frivolous. Plaintiff pleads claims arising under the First and Fourteenth Amendments and 42 U.S.C. § 1983. The Court therefore has federal-question jurisdiction under 28 U.S.C. § 1331 and civil-rights jurisdiction under 28 U.S.C. §

1343(a)(3). Whether Plaintiff has sufficiently pleaded state action is properly analyzed under Rule 12(b)(6).

III. DEFENDANTS' PRIVATE-ACTOR ARGUMENT DOES NOT DEFEAT THE CLAIM AS PLEADED

Defendants correctly state the general rule: private actors are not liable under § 1983 merely because their conduct affects another person's rights. But the complaint does not rely on that theory. It alleges that White and Pathways became part of a state-linked course of conduct through joint participation, court-process use, provider-record events, and retaliatory consequences[2] tied to Plaintiff's protected activity.

The state-action inquiry is fact-bound. A private party may act under color of state law when the challenged conduct is fairly attributable to the State. Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982). Private parties may also act under color of law when they are willful participants in joint action with state officials[3].

[Original footnotes]

2 2025-CF-1639 Complaint contain exhibits from police reports sent by White and Pathways containing my children's names and dates of birth.

3 Discovery (Audio, video & Police Body Cam) will reveal joint action with state actors. I currently possess these items.

[Original page 4; source collection PDF 102]

Dennis v. Sparks, 449 U.S. 24, 27-28 (1980). A conspiracy or agreement between private actors and state actors may support § 1983 liability when the private actor participates in the unconstitutional conduct[4]. Adickes v. S.H. Kress & Co., 398 U.S. 144, 152 (1970).

The complaint pleads more than private status. It alleges White's connection to court-enforcement activity through Anderson, White's relationship and communications with Sarah Fox, White's knowledge of protected DSPS reporting, White's employment in the Pathways/PSG[5] provider structure, White's knowledge through employer communications, and Pathways-related preservation and subpoena disputes placed before the family court before trial.

Defendants' motion attacks a different complaint. It treats the allegations as if Plaintiff sued White only because she is a private complainant or witness and sued Pathways only because it is a private therapy provider. The complaint expressly disclaims that theory. Dkt. 1 ¶¶ 40-52. The pleaded theory is that their conduct became actionable when connected to protected-activity retaliation, provider-conflict escalation, record-access impairment, court-process use, and state-linked consequences.

IV. THE COMPLAINT PLAUSIBLY PLEADS CLAIMS AGAINST WHITE

The complaint alleges that White was not a peripheral private citizen. It alleges that she became involved across multiple channels: provider-related issues, Sarah Fox communications, Anderson-related communications, family-court use, injunction proceedings, and criminal-track escalation.

The Anderson connection is material. At the August 13, 2025 hearing, Anderson explained that his billing statement referred to a third party who had seen social-media posts allegedly violating the court's orders[6]. Ex. A, R.193, Aug. 13, 2025 Hr'g Tr. 14:21-15:6. The court then clarified that "White is an individual he spoke with," and Anderson answered, "That's correct." Id. 15:22-16:5. When the court asked, "Is it Hollie White," Anderson again answered, "That's correct," and the court stated, "It's Hollie White." Id. 16:7-11. That record does not prove state action by itself. It does plead and corroborate a concrete factual bridge between White, Anderson, and contempt-enforcement activity.

[Original footnotes]

4 Reference Footnote #3

5 PSG is referencing Professional Services Group

6 The videos were PRIVATE videos intended for Office Lawyer Regulations, Wisconsin Supreme Court and prospecting attorney's for my case. (Exhibits can be provided)

[Original page 5; source collection PDF 103]

The Sarah Fox connection is also material. Sarah testified that she reached out to White on Instagram because she was worried about the children, met with White, and that the contact became "support for one another" and "becoming friends." Ex. B, R.312, Sept. 29, 2025 Trial Tr. 39:22-25; 40:2-7. On cross-examination, Sarah again confirmed that she became friends with White. Id. 65:18- 21. Sarah also testified that White showed her the DSPS complaint Plaintiff had filed concerning White's licensing. Id. 40:19-22. These allegations and testimony support notice, knowledge of protected reporting activity, coordination context, and causation. They do not prove conspiracy by themselves, but Rule 12 does not require proof.

The provider connection is independently material. White testified that she was a therapist and social worker, worked at PSG as a full-time clinical service director, had been there almost twelve years, and worked at Pathways Consulting as a psychotherapist part-time. Ex. B, R.312, Sept. 29, 2025 Trial Tr. 163:13-19. M.F. 's therapist, Elizabeth Gamboa-Reynolds, testified that she worked through Professional Services Group, that White also worked for PSG, and that although they were not in the same program or building, she knew White through the same agency and professional contexts. Id. 96:20-22; 106:1-4, 106:14-23; 107:4-14. E.F. 's therapist, Jessica Dorner, testified that she worked for Pathways Consulting and had been at Pathways since 2012. Id. 112:15-19; 113:1-6.

White's own testimony further connects her to the provider-communication issue. On cross-examination, White testified that she knew M.F. was being treated by the therapist "only because it is included with emails that go to my employer that he won't stop contacting them and including me in it." Ex. B, R.312, Sept. 29, 2025 Trial Tr. 175:5-10. Plaintiff does not offer that testimony to prove White accessed treatment records. The narrower point is that White admitted her awareness of treatment-provider matters came through employer-linked communications involving the same provider ecosystem identified in the complaint.

The later injunction and police-report allegations are not pleaded to have this Court decide the merits of those proceedings. They are pleaded to show escalation, causation, notice, and continuing federal injury. White testified that she filed for a temporary restraining order on February 11, 2022, obtained an injunction on February 21, 2022, and had filed "probably 15 police reports." Ex. B, R.312, Sept. 29, 2025 Trial Tr. 162:21-163:12. Plaintiff does not ask this Court to adjudicate the truth or merit of those filings. The relevant point is that the complaint pleads a concrete sequence of protected activity, provider-conflict objections, law-enforcement use, and court-linked consequences.

[Original page 6; source collection PDF 104]

V. THE COMPLAINT PLAUSIBLY PLEADS CLAIMS AGAINST PATHWAYS

Pathways is not sued merely because it is a private provider. The complaint alleges that Pathways became material through preservation notices, provider-record protection, subpoena practice, court-related treatment-record issues, and the alleged impairment of Plaintiff's ability to protect and access records necessary to meaningful adjudication and review.

The provider-record allegations were not created after the fact. On July 28, 2025, Plaintiff issued a preservation notice concerning anticipated civil and federal litigation to the guardian ad litem and counsel. Ex. C, Doc. 142 at 1. That notice demanded preservation of documents, digital records, messages, drafts, recordings, notes, calendar entries, and metadata, including communications involving Sarah Fox, Hollie White, Pathways Clinic, and third-party institutions. Id. The same notice demanded preservation of GAL[7] investigations and reports, billing records, email chains, OFW interactions, internal staff communications, professional notes, case-file memoranda, court-hearing materials, restraining-order materials, and sanction-related materials. Id.

Plaintiff also contemporaneously clarified the nature of his Pathways communications. In a July 31, 2025 affidavit, Plaintiff averred that on or about July 28, 2025, he sent a HIPAA preservation letter to

Pathways and Professional Services Group, two organizations he understood to be professionally affiliated with White. Ex. D, Doc. 148 at 1. He averred that the purpose was to assert preservation rights, request a litigation hold, and ensure his children's health information was not accessed or disclosed unlawfully by White or her[8] employer. Id. at 1-2. He further averred that the letter was addressed to the organizations directly, not to White personally, and was not intended as contact, harassment, intimidation, or any purpose prohibited by the injunction. Id. at 2.

The contemporaneous Pathways email chain supports that narrow characterization. On July 30, 2025, Reinders responded that Pathways follows Wisconsin record-retention law and that minor records are maintained seven years past age eighteen, Ex. E, Doc. 149 at 1. On July 31, 2025, Reinders asked Plaintiff to identify his legal standing to obtain information. Ex. F, Doc. 150 at 1. Plaintiff responded the same day that he was "not requesting any confidential mental health records at this time," that he was requesting preservation of records,

---

[Original footnotes]

7 GAL references Guardian ad Litem (Attorney representing the children in state action).

8 Plaintiff currently poses the original preservation documents — these should not have been shared amongst other therapist in alignment with Federal Code of regulations. 45 CFR 75.361 — Retention requirements for records. OR Department of Health and Human Services Policy for Litigation Holds. See htt

ps://www.hhs.gov/digital/governance/it-policy-archive/litigation-holds.html

[Original page 7; source collection PDF 105]

internal communications, diagnoses, case notes, and documentation referencing the children or a third party's involvement, and that "[t]his is a preservation notice only, not a request for access." Id.

Before trial, Plaintiff placed the provider-conflict and records-preservation issues before the family court. Plaintiff sought an emergency stay of subpoenas to the children's mental-health providers, expressly identifying Pathways Consulting/Jessica Dorner and Professional Services Group/Elizabeth Gamboa- Reynolds, and requested sequestration, sealing, in-camera review, and a qualified HIPAA protective order. Ex. G, Doc. 173 at 1-2. The same filing included records-custodian hold instructions to Pathways and PSG directing preservation and court-only production. Id. at 6-8. Plaintiff also moved to quash or modify the provider subpoenas, again identifying Pathways/Dorner and PSG/Gamboa-Reynolds and challenging the demand for "all records and notes." Ex. H, Doc. 174 at 1-3.

These exhibits are not offered as adjudicated findings. They are offered to show notice, chronology, preservation activity, and that the Pathways, PSG and White provider-conflict issue was placed in the state-court record before the federal action. Whether Defendants ultimately prevail on the state-action question is not presently before the Court. At this stage, the question is whether the complaint

plausibly alleges a factual sequence warranting discovery. The preservation notices, provider motions, transcript testimony, and contemporaneous communications attached as exhibits demonstrate that Plaintiff's allegations are concrete, dated, and traceable to identifiable records rather than speculative conclusions.

Again, Plaintiff does not plead HIPAA as an independent private damages claim. The point is not that HIPAA itself creates § 1983 liability against Pathways. The point is that Plaintiff's provider-record protection activity was protected petitioning and preservation conduct, that Pathways had notice of the preservation issue, and that later state-linked use or impairment of those communications plausibly contributed to federal injury.

At Rule 12, these allegations are enough. Whether discovery ultimately proves that Pathways acted jointly with state actors, misused court-linked processes, impaired record access, or participated in conduct fairly attributable to the state is a merits question. It cannot be resolved by labeling Pathways a private provider and stopping there.

VI. THE DOMESTIC RELATIONS EXCEPTION DOES NOT APPLY

The domestic relations exception does not apply because Plaintiff does not ask this Court to grant a divorce, award custody, modify placement, set support,

[Original page 8; source collection PDF 106]

allocate parental rights, or supervise the family court. The complaint expressly disclaims that relief. Dkt. 1 ¶¶ 3-6.

The domestic-relations exception is narrow. It applies to cases seeking divorce, alimony, or child-custody decrees, not to ordinary federal-question civil-rights claims merely because the facts overlap with family-court proceedings. Ankenbrandt v. Richards, 504 U.S. 689, 703-04 (1992).

Defendants' argument depends on reframing the case as a family-law dispute. It is not. The complaint seeks federal relief for alleged First and Fourteenth Amendment injuries caused by protected-activity retaliation, process impairment, provider-record impairment, and state-linked private conduct. A federal civil-rights claim does not become a domestic-relations case merely because the events occurred near or during family-court litigation.

VII. ROOKER-FELDMAN DOES NOT APPLY

Rooker-Feldman bars lower federal courts from exercising appellate review over final state-court judgments. Exxon Mobil Corp. v. Saudi Basic Indus.

Corp., 544 U.S. 280, 284 (2005). Plaintiff does not seek that relief. He does not ask this Court to reverse, vacate, modify, or correct any state-court order. Dkt. 1 ¶¶ 3-6.

The injury pleaded is not simply that Plaintiff lost in state court. The injury pleaded is that protected

petitioning, reporting, preservation, provider-conflict objections, and lawful parental-access efforts were used, burdened, restricted, or routed through unclear processes that impaired federal rights. Dkt. 1 ¶¶ 7-11. That is an independent-injury theory. Defendants may dispute it on the merits, but Rooker-Feldman does not bar it at the pleading stage.

VIII. YOUNGER DOES NOT REQUIRE DISMISSAL

Younger abstention is narrow. Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69, 72-73 (2018). It does not authorize dismissal whenever a federal civil-rights case has factual overlap with state proceedings. Plaintiff does not ask this Court to enjoin an ongoing family-court, injunction, or criminal proceeding. He seeks damages from nonimmune defendants and limited prospective relief only where permitted by § 1983.

To the extent any requested relief could interfere with ongoing state proceedings, the proper response would be to narrow, stay, or defer that relief—not dismiss the entire action with prejudice. Damages claims ordinarily are stayed rather than dismissed when Younger applies. Gakuba v. O'Brien, 711 F.3d 751, 753 (7th Cir. 2013). Defendants have not shown that every claim against White and

[Original page 9; source collection PDF 107]

Pathways necessarily requires this Court to interfere with an ongoing state proceeding.

IX. ALTERNATIVE REQUEST FOR LEAVE TO AMEND

If the Court concludes that any allegation against White or Pathways is insufficiently pleaded, Plaintiff requests leave to amend. Amendment would not be futile. The complaint already identifies the operative categories of conduct: White-related communications, provider employment and knowledge, provider-conflict objections, preservation notices, subpoena practice, court-process use, injunction consequences, criminal-track escalation, and resulting federal injury. Any pleading defect could be cured by adding more specific record citations, dates, communications, and allegations drawn from the same record.

Dismissal with prejudice at this stage would be improper.

CONCLUSION

Defendants' motion should be denied. The complaint does not plead liability based merely on private status, witness status, provider status, or participation in state proceedings. It pleads a narrower § 1983 theory based on state-linked conduct, joint participation, protected-activity use, provider-record process impairment, and resulting federal injury. At Rule 12, that is sufficient.

Alternatively, Plaintiff requests leave to amend before any dismissal with prejudice.

Dated this 12th day of June, 2026.

Respectfully submitted,
s/ Mathiew R. Fox
Mathiew R. Fox
Plaintiff, pro se
2726 83rd Street
Kenosha, WI 53143
(262) 203-3109
Mathiew.fox@gmail.com

Verified Rule 11 response and declaration

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 62; filed 07/20/26

[Original page 1; source collection PDF 158]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
Case No. 2:26-cv-00797-BHL
MATHIEW RAE FOX,
Plaintiff,
v.
ALEXANDRA K. SMATHERS, et al.,
Defendants.

PLAINTIFF'S VERIFIED RESPONSE TO ORDER TO SHOW CAUSE UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

Plaintiff Mathiew Rae Fox, proceeding without counsel, submits this verified response to the Court's July 15, 2026 Order to Show Cause. ECF No. 60. The Court directed Plaintiff to explain in writing and under penalty of perjury why he should not be sanctioned for filing the complaint for an improper purpose and "without any nonfrivolous argument in support of his claims." ECF No. 60 at 7-9. The Court identified the complaint's limiting language, the filing of two related federal actions five days apart, and the pending criminal prosecution involving Defendant Hollie White as circumstances supporting its concern. Id. at 7-8.

Plaintiff answers those concerns directly. He filed this action to obtain judicial adjudication of federal claims he believed arose from an identifiable documentary record- not to harass, intimidate, retaliate, delay, impose needless expense, or exact revenge. Before filing, he reviewed the legal authorities and

[Original page 2; source collection PDF 159]

source materials cited in or underlying the complaint. Access to courts is an aspect of the First Amendment right to petition, although that right neither excuses compliance with Rule 11 nor supplies jurisdiction where it is absent.[1]

The Court dismissed the complaint without prejudice under Rooker-Feldman and also relied on Younger abstention, the domestic-relations exception, judicial immunity, and §1983's state-action requirement. ECF No. 60 at 5-9; ECF No. 61. This response describes those rulings without conceding them and is not a motion for reconsideration. Nothing here waives or withdraws any jurisdictional, abstention, pleading, merits, immunity, state-action, claim-splitting, postjudgment, or appellate issue. Nor does it admit any criminal allegation, violation of an injunction or court order, or element of an offense; all defenses remain preserved. The questions addressed here are whether the complaint was objectively frivolous when presented on May 5, 2026, and whether it was filed for an improper purpose. The filing-date law and record do not support either conclusion.

I. SCOPE OF THIS VERIFIED RESPONSE

Plaintiff relies principally on the complaint and its attachments, the motion-to-dismiss briefing, the source records later organized in ECF No. 53, and the Court's July 15 Order. ECF No. 53 was filed after the complaint; it is used here only to identify and organize records that existed before filing, not to substitute postfiling material for the inquiry required on May 5.

[Original footnotes]

1 California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508,513 (1972); BE & K Construction Co. v. NLRB, 536 U.S. 516, 525-26, 532-37 (2002).

[Original page 3; source collection PDF 160]

The cited records are used to show what was said, filed, requested, preserved, reported, or decided. When this response states that a transcript "reflects," correspondence "states," or the criminal complaint "alleges," it identifies the content of an existing record; it does not adopt every third-party assertion as true or ask the Court to resolve disputed state or criminal facts.

II. GOVERNING RULE 11 STANDARD

Rule 11 required Plaintiff, after an inquiry reasonable under the circumstances, to certify that the complaint was not presented for an improper purpose; that its legal contentions were warranted by existing law or a nonfrivolous argument for changing it; and that its factual contentions had evidentiary support or were specifically identified as likely to obtain support after reasonable investigation or discovery. Fed. R. Civ. P. 11(b)(1)-(3). Reasonableness is assessed when the paper is presented; a later dismissal or change in law does not itself establish a violation.[2] Improper purpose separately requires record support and cannot rest only on an adverse result or an unfavorable view of the filer. Vollmer v. Selden, 350 F.3d 656, 659-63 (7th Cir. 2003).[3]

[Original footnotes]

2 Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 399 (1990); Mars Steel Corp. v. Continental Bank N.A., 880 F.2d 928, 932-33 (7th Cir. 1989) (en banc).

3 Vollmer vacated sanctions where the sanction finding lacked adequate record support and relied on material outside the record. 350 F.3d at 659-63.

[Original page 4; source collection PDF 161]

III. THE COMPLAINT HAD A NONFRIVOLOUS LEGAL BASIS WHEN FILED

A. Then-existing Seventh Circuit law supported the pending-review position

Plaintiff filed this complaint on May 5, 2026, while his petition for review remained pending in the Wisconsin Supreme Court. ECF No. 60 at 5. On that date, Parker v. Lyons stated that "Rooker-Feldman does not bar the claims of federal-court plaintiffs who, like Parker, file a federal suit when a state-court appeal is pending." 757 F.3d 701, 706 (7th Cir. 2014), overruled on other grounds by Hadzi-Tanovic v. Johnson, 62 F.4th 394 (7th Cir. 2023).

More than six weeks later, on June 18, 2026, the Supreme Court held in T.M. v. University of Maryland Medical System Corp. that Rooker-Feldman may apply while further state review remains available. 608 U.S._, 146 S. Ct. 1739, 1743-44, 1747-51 (2026). The Court applied T.M. here. ECF No. 60 at 5-6. Plaintiff does not ask the Court to disregard T.M.; the limited Rule 11 point is that a later Supreme Court decision cannot make the filing-date Parker position frivolous.[4]

B. The complaint used the recognized source-of-injury inquiry

Plaintiff understood that a federal district court may not serve as an appellate tribunal over state judgments. The complaint therefore attempted to distinguish judgment-caused injuries from asserted federal injuries involving provider-record preservation, information disclosure and routing, law-enforcement

---

[Original footnotes]

4 Parker v. Lyons, 757 F.3d 701, 705-06 (7th Cir. 2014), overruled on other grounds by Hadzi-Tanovic v. Johnson, 62 F.4th 394 (7th Cir. 2023), supplied the circuit rule on the pending-review point on May 5, 2026. T.M. was decided June 18, 2026. 146 S. Ct. at 1739.

[Original page 5; source collection PDF 162]

reporting, records-access barriers, and other alleged conduct outside the judgments themselves. ECF No. 1 ¶¶2-14, 53-62, 282-330.

That distinction used an established inquiry: whether the complained-of injury was caused by a state judgment and whether the requested relief required review and rejection of that judgment. Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284, 292-93 (2005); Andrade v. City of Hammond, 9 F.4th 947, 950 (7th Cir. 2021). A federal claim is not barred merely because it shares facts with state litigation or disputes a legal conclusion reached there; the source of the injury and relief requested matter.[5]

The Court held that the complaint did not adequately separate independently caused injuries from injuries caused by the state judgments. ECF No. 60 at 5-6. Plaintiff preserves his objection to that determination. For present purposes, the complaint invoked an established framework and identified a record-specific distinction; disagreement with the resulting analysis does not make the filing frivolous.

C. The Younger position rested on existing stay authority

The complaint did not request an injunction terminating or staying the pending criminal prosecution. It attempted to distinguish relief that would interfere with that proceeding from damages and other claims based on allegedly separate conduct.

[Original footnotes]

5 See also Skinner v. Switzer, 562 U.S. 521, 532 (2011) (Rooker-Feldman is not triggered merely because a federal claim denies a state court's legal conclusion).

[Original page 6; source collection PDF 163]

The Seventh Circuit has held that damages claims that cannot proceed while a criminal matter remains pending ordinarily should be stayed rather than dismissed, because monetary relief is unavailable in the criminal proceeding and the civil claims may otherwise become time-barred. Gakuba v. O'Brien, 711 F.3d 751, 753 (7th Cir. 2013).6 Plaintiff's position was not that Younger could never apply; it was that the Court should separately consider which claims would interfere, which concerned independent conduct, and whether a stay was the proper treatment of overlapping damages claims.

The Court applied Younger. ECF No. 60 at 6. Plaintiff preserves his objection; the filing position nevertheless had an existing legal foundation.

D. The complaint sought to remain outside the narrow domestic-relations exception

The complaint disclaimed any request that this Court award custody, modify placement, determine the children's best interests, calculate support, select a therapist, adjudicate contempt, or supervise the family case. ECF No. 1 ¶¶2-14, 292-319. Those limitations tracked cases describing the domestic-relations exception as narrow and focused on issuing or modifying divorce, alimony, and custody decrees.[7]

The Court characterized the action as an effort to insert the federal court into the custody dispute. ECF

No. 60 at 6. Plaintiff preserves his position that the requested relief concerned independently caused federal injuries rather than

---

[Original footnotes]

6 Gakuba v. O'Brien, 711 F.3d 751, 753 (7th Cir. 2013); Deakins v. Monaghan, 484 U.S. 193,202 (1988).

7 Ankenbrandt v. Richards, 504 U.S. 689, 701-04 (1992); Kowalski v. Boliker, 893 F.3d 987, 995-96 (7th Cir. 2018).

[Original page 7; source collection PDF 164]

issuance or modification of a custody decree. Reliance on the recognized boundary of the exception was not frivolous.

E. The complaint pleaded a conditional joint-action theory for the private Defendants

The complaint expressly recognized that White, Sarah Fox, Thomas Anderson Jr., Lora Reinders, Pathways Consulting, and Professional Services Group were private actors and that ordinary reporting, representation, motion practice, testimony, treatment, recordkeeping, or receipt of a favorable ruling did not alone create §1983 liability. ECF No. 1 ¶¶322-30.

It pleaded liability only if investigation and discovery established willful joint participation in state action, a doctrine recognized in Dennis v. Sparks, 449 U.S. 24, 27-28 (1980).[8] The pleaded basis included the provider and preservation communications, the identified information-routing sequence, communications among participants,

provider subpoenas and testimony, police reporting, and the use alleged in the criminal materials. ECF No. 1 ¶¶53-62, 110-23, 282-330.

The Court held that these allegations did not support a plausible inference that the private Defendants were jointly engaged with state officials. ECF No. 60 at 6-7. This response neither enlarges the complaint nor asserts proof of bribery, conspiracy, or criminal conduct. It shows only that the conditional theory invoked a recognized doctrine and identified source records for proposed factual development.

[Original footnotes]

8 Dennis v. Sparks, 449 U.S. 24, 27-28 (1980). Dennis does not make ordinary litigation or use of court procedures state action; the complaint pleaded joint participation only if supported by proof.

[Original page 8; source collection PDF 165]

F. The complaint accounted for judicial immunity through a functional distinction

The complaint did not seek damages from Judge Iverson or Commissioner Smathers for protected judicial rulings. It limited any damages theory to conduct alleged to be nonjudicial or extrajudicial and sought prospective relief only where legally available. ECF No. 1 ¶¶21-34, 249-52, 332-40.

That limitation tracked the functional approach to immunity, which examines the nature of the function performed rather than title alone. Forrester v. White, 484 U.S. 219, 224-29 (1988). The Court held that the

conduct at issue was protected by judicial immunity. ECF No. 60 at 7. Plaintiff describes that holding without conceding that every challenged act was judicial in function. The complaint's attempt to plead within the recognized functional boundary was not an admission of frivolousness.

G. The counts invoked recognized constitutional doctrines

The complaint tied its five counts to identified doctrines and records: First Amendment retaliation; meaningful access to courts; procedural due process; substantive due process; and private joint action under §1983. ECF No. 1 ¶¶282-330. Federal law permitted Plaintiff to conduct his own case, and the petitioning and parental-association interests invoked were recognized constitutional interests. Plaintiff does not contend that pro se or parental status excuses Rule 11, eliminates jurisdictional or immunity requirements, or guarantees relief.[9]

[Original footnotes]

9 28 U.S.C. §1654; California Motor Transport, 404 U.S. at 513; Troxel v. Granville, 530 U.S. 57, 65-66 (2000); Santosky v. Kramer, 455 U.S. 745, 753 (1982).

[Original page 9; source collection PDF 166]

The Court held that the theories were jurisdictionally barred, insufficiently pleaded, or both. Plaintiff preserves his objections. Rule 11 asks whether the legal contentions had a nonfrivolous basis when presented, not whether they ultimately prevailed.

IV. THE LIMITING LANGUAGE WAS LEGAL CAUTION, NOT AN ADMISSION

The Court viewed the complaint's limitations as hedging that suggested Plaintiff recognized the claims were not viable. ECF No. 60 at 7. The limitations were intended to avoid overstatement: they distinguished state judgments from allegedly independent conduct, judicial acts from alleged nonjudicial conduct, ordinary private activity from discovery-dependent joint action, and damages claims from interference with a prosecution.

Rule 8 permits alternative and conditional theories; Rule 11(b)(2) permits nonfrivolous arguments to change existing law; and Rule 11(b)(3) permits specifically identified contentions likely to gain support after reasonable investigation or discovery.[10] The limiting language narrowed the complaint rather than admitted frivolousness.

V. THE FACTUAL CONTENTIONS FOLLOWED A REASONABLE PREFILING INQUIRY

Before filing, Plaintiff reviewed the complaint, the legal authorities he used, and the underlying court records, transcripts, correspondence, preservation materials, police-related materials, criminal complaint, and provider records cited

---

[Original footnotes]

10 Fed. R. Civ. P. 8(d)(2)-(3); Fed. R. Civ. P. 11(b)(2)-(3).

[Original page 10; source collection PDF 167]

in or forming the stated chronology. ECF No. 53 later organized those sources. It did not create them. The prefiling record included:

- the July 30, 2025 prepared police-contact transcript, reflecting White's statements that the children attended two practices where she worked, that Pathways and PSG were her employers, that the July 28 communication went to both organizations, and that she had communicated with Sarah Fox, ECF No. 53-2, Ex. A at 1, 4-7;

- the August 2, 2025 prepared transcript, reflecting further discussion of Pathways, PSG, Lora Reinders, preservation, and the provider-directed communication, ECF No. 53-2, Ex. B at 4-7;

- the prepared transcript of a February 3, 2022 recording, reflecting White's description of direct family-court contact concerning potential court-connected therapeutic work and her identification of the caller, ECF No. 53-2, Ex. C at 4-5;

- the Pathways/Reinders correspondence documenting the July 28 preservation notice, the provider's retention response, Plaintiff's clarification that no confidential treatment records were then requested, and his statement that later access would proceed through legal channels, ECF No. 53-2, Ex. K;

- family-court transcripts and filings concerning provider conflict, provider testimony, records access,

subpoenas, preservation, and the roles attributed to the named participants; and

[Original page 11; source collection PDF 168]

• the criminal complaint and related materials, which referenced the same provider-preservation communications alleged in the federal complaint. These records supplied a basis for the pleaded chronology and for specifically identified inferences that Plaintiff expected to test through investigation or discovery. They did not establish every ultimate inference, and this response does not ask the Court to decide the truth of disputed criminal allegations or communications.

The Court denied ECF No. 53 as moot because the action was dismissed. ECF No. 60 at 8-9. That disposition did not find the underlying transcripts, filings, correspondence, or docket records fabricated. The Rule 11 point is limited: the complaint's factual sequence was tied to identifiable sources, and Plaintiff conducted a prefiling inquiry rather than relying solely on unsupported belief.

VI. PLAINTIFF DID NOT FILE FOR AN IMPROPER PURPOSE

A. The purpose was adjudication of claimed federal injury

Plaintiff sought judicial determination of asserted constitutional injuries tied to a specific record. The complaint did not request authorization for personal contact, facilitate a confrontation, publish private communications, halt the criminal prosecution, modify custody or placement, or compel a Defendant to communicate personally with Plaintiff. It requested judicial relief through ordinary process.

B. The two actions were not filed to multiply proceedings or evade a ruling

Case No. 26-cv-0772 was filed on April 30, 2026; this action followed five days later, before a ruling in either case. Plaintiff understood 772 to concern the

[Original page 12; source collection PDF 169]

contempt finding and continuing restrictions and 797 to concern a broader provider, records, information-routing, and access-to-courts sequence involving additional Defendants.

The common background and participants created overlap, but Plaintiff did not file the actions in different districts, seek a different judge, conceal their relationship, or refile after an adverse federal ruling. The Court identified claim splitting as a possible additional issue. ECF No. 60 at 6 n.2. Plaintiff preserves his objections concerning party

identity, claim identity, operative facts, requested relief, and the absence of a merits judgment when the actions were filed. Even if the claims should have been organized differently, that does not establish an intent to intimidate, retaliate, or exact revenge.

C. The criminal accusation does not establish the purpose of this civil filing

The Order noted the pending criminal charge involving White as a circumstance suggesting retaliation. ECF No. 60 at 7-8. A charge is an accusation, not proof of the conduct alleged or the purpose of this filing. Plaintiff denies filing to interfere with that proceeding, pressure a participant, or gain collateral leverage. The overlap is cited only because the criminal materials referenced the provider-preservation communications that formed part of the federal chronology. This response does not address the criminal evidence or defenses and admits no criminal fact.

[Original page 13; source collection PDF 170]

D. The objective filing conduct is inconsistent with harassment

The cited record reflects use of formal procedures: court filings, motions, preservation correspondence directed to organizations, requests for subpoenas and authorizations, requests for controlled or protected handling of records, provider-conflict objections, and requests for judicial review. Whether every step was legally effective or ultimately successful is distinct from why Plaintiff filed this action. Plaintiff reviewed a substantial record and identified legal boundaries and discovery-dependent contentions in the complaint. The Court's disagreement with his inferences and legal analysis does not establish that the complaint was filed solely to punish adverse participants.

VII. DISMISSAL DOES NOT, WITHOUT MORE, ESTABLISH A RULE 11 VIOLATION

The July 15 Order establishes the Court's jurisdictional and pleading conclusions. This response supplies the filing-date authority, the identified record, the reason for the complaint's limitations, the distinction Plaintiff understood between the two actions, and his verified denial of improper purpose. Those matters answer the show-cause inquiry. The dismissal without prejudice and alternative pleading conclusions do not, without more, establish that the complaint was objectively frivolous when presented or intended to harass. No sanction is warranted.

VIII. REQUESTED RELIEF

Plaintiff respectfully requests that the Court find that he has shown cause, discharge the July 15, 2026 Order to Show Cause without imposing any monetary

[Original page 14; source collection PDF 171]

or nonmonetary sanction, and grant any other relief the Court deems just and appropriate.

Dated this 16th day of July, 2026.

Respectfully submitted,
s/ Mathiew Rae Fox
Mathiew Rae Fox
Plaintiff, pro se
2726 83rd Street
Kenosha, Wisconsin 53143
(262) 203-3109
Mathiew.fox@gmail.com

[Original page 15; source collection PDF 172]

DECLARATION UNDER 28 U.S.C. §1746

I, Mathiew Rae Fox, declare as follows:

1. I am the Plaintiff and submit this declaration from personal knowledge solely in response to the Rule 11 Order to Show Cause.
2. I filed the complaint on May 5, 2026, to obtain adjudication of the federal claims stated in it-not to harass, intimidate, retaliate, delay, impose needless expense, or exact revenge.

3. Before filing, I reviewed the complaint, the legal authorities I used, and the source materials underlying its chronology, including court records and transcripts, provider and preservation correspondence, police-related materials, and the criminal complaint. ECF No. 53 later organized many of those prefiling sources; I do not rely on a later-created record as a substitute for my prefiling inquiry.

4. I used those materials to identify what was alleged, said, filed, requested, preserved, reported, or decided. I did not adopt every third-party statement as true merely because it appeared in a transcript, complaint, filing, or item of correspondence.

5. I did not intend this action to ask the Court to award custody, modify placement, determine the children's best interests, calculate support, adjudicate contempt, supervise the family case, or halt the criminal prosecution.

[Original page 16; source collection PDF 173]

6. I understood that ordinary private reporting, representation, motion practice, testimony, treatment, recordkeeping, or receipt of a favorable ruling did not alone establish state action. The complaint identified the joint-action theory as dependent on proof beyond ordinary private conduct.

7. I understood Case Nos. 26-cv-0772 and 26-cv-0797 to concern different asserted episodes,

Defendants, records, and injuries despite overlap in participants and background. I did not file separate actions to evade a ruling, obtain a different judge, conceal overlap, or multiply expense.

8. I did not file this action to interfere with the pending criminal proceeding, pressure any participant, or gain collateral leverage. I admit no allegation, violation, or element of an offense in that proceeding and preserve all defenses.

9. This declaration addresses only my prefiling inquiry and filing purpose. It withdraws no argument and waives no postjudgment or appellate issue.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

Date this 16th Day of July, 2026, in Kenosha, Wisconsin.

s/ Mathiew Rae Fox
Mathiew Rae Fox

Parental-context letter excerpts

E.D. Wis. 2:26-cv-00797-BHL; Dkt. 54; filed 07/09/26

[Original page 5; source collection PDF 174]

7/4/2026

-Am I viewed primarily as a source of child support, medical reimbursements, and litigation costs, while my role as a father becomes secondary? And another man raises my children-a man with documented misconduct that I have reported, and NO action was taken. Is this because he's a police officer? Is it because there's a halo effect for those within the same ecosystem?

These are difficult questions, the kind I understand first-year law students must review in ethics. At the start of this case, I hold a master's degree in business. But now I find myself forced to seek out the syllabus of the Wisconsin Law School and replicate it as best I can without attending-because time is of the essence. That time is my children.

I am studying the statutes, mirroring the very curriculum that 1st year attorneys follow, learning and making mistakes as I go along. I'm not trying to take credit for that. But it seems as though the efforts are ignored. I have filed proper motions, reading and reviewing case law, following the proper process and procedures, yet I am met with hostility, retaliation and bias disguised as discretion.

If I am expected to provide financial support, why is my ability to provide emotional support, guidance, presence, love, and stability treated as though it carries less value?

The law recognizes that children benefit from meaningful relationships with their parents. If that principle is true, then I struggle to understand how a system that permits a father's relationship with his children to steadily erode-while continuing to enforce his financial obligations with unwavering consistency.

A father is not merely a paycheck. A father is not merely a support calculation. A father is not merely an obligation on a ledger. A father is a parent whose presence, guidance, love, and involvement have value that cannot be measured in dollars. That is the question I continue to ask: if the system acknowledges the importance of fathers, why does the outcome in this case leave me feeling as though I am valued only for what I can pay, rather than for who I am to my children?

One day, my children may begin asking questions. As they grow older-through high school, college, and adulthood- they may remember the relationship

[Original page 6; source collection PDF 175]

7/4/2026

they once had with their dad. They may begin to ask what happened, why the relationship changed, and why so much time was lost.

If either of my children ever chooses to study law, become a lawyer, work in the Court of Appeals, litigate in the Wisconsin Supreme Court, practice in federal court, or enter any legal field-family law, criminal law, probate, real estate, or otherwise-they may one day understand how to read a docket, how to study filings, and how to trace what happened in a case.

If that day comes, the record will show that I fought for them. It will show that I filed motions, pursued appeals, sought supervisory writs, and continued litigating because I was trying to preserve my relationship with my children. It will show that I did not walk away. It will show that I did not treat them as disposable. It will show that I kept trying, even when the cost was enormous.

Every motion I filed in the circuit court was denied. Every request for relief in the court of appeals was denied, or the court determined that irreparable harm wasn't "good enough." Even the Wisconsin Supreme Court denied my writ, deferring to the process-yet discretion exists for a reason. If the court is unwilling to address the erosion of a parent-child bond when there isn't sufficient proof of allegations, what does that say about our judicial system?

Can anyone simply accuse someone else for vendetta or personal gain and get away with it? That should not be the norm. That is not how a responsible adults with a moral compass should act.

But the record will also show escalating consequences. It will show that my efforts to litigate for my children were treated not as a father's attempt to protect his relationship with them, but as conduct to be restricted, punished, criminalized, and weaponized. That raises a painful question: Is this how the justice system is supposed to work? Or is this how Kenosha chose to make it work in this case?

An anonymous attorney once told me that a case can be solved in a hallway of the courthouse. I do not say that to allege any specific improper communication without proof. I say it because it reflects a broader reality: systems are made of people, relationships, discretion, informal influence, and choices. Those choices have consequences.

[Original page 7; source collection PDF 176]

7/4/2026

The people making those choices must understand the damage caused when a father is separated from his children, financially drained, procedurally blocked, and then punished for continuing to seek relief.

Judges, commissioners, attorneys, social workers, and law-enforcement officers may go home to their own families and children at the end of the day. I am left trying to repair a relationship with my children that the system has allowed to deteriorate, and the docket NOW, contains proof of this. It has revealed that this was not escalated by myself.[6]

I tried to mitigate, and resolve it. My September 30th transcript testimony will show that, yet Judge Iverson errored in her claims of what I said. Attributing what Sarah said, and not me.

That is the part I cannot reconcile: How is it justice for decision-makers to exercise power over a family, while being insulated by immunity, discretion, procedure, and institutional protection, when the result is that a father is left without meaningful access to his children? How is it fair that others can return to their children, while I must continue litigating simply to be present in the lives of mine? That question is not exaggeration. It is the record now!

Respectfully submitted:
s/ Mathiew Rae Fox
Mathiew Rae Fox

[Original footnotes]

6 At the start, I trusted (They took an oath to uphold the law) attorney's, health professionals, and Judicial officers. Yet I was forced to litigate and take matters in my own hands. How many other fathers have suffered the same consequences of discretion? Weaponization of therapy and social workers?

Declined proposed records-access order

2021FA000047; Doc. 559; filed 09-14-2026; reproduced in Dkt. 75-2, pp. 10–13

[Editorial identification: proposed relief declined; this is not an entered order.]

[Original page 1; source collection PDF 75]

DATE DECLINED: September 14, 2026

Court will address all motions and requests at a scheduled hearing.

Electronically declined by Jason A. Rossell Circuit Court Judge FILED 09-14-2026; Clerk of Circuit Court; Kenosha County; 2021FA000047

[Original page 2; source collection PDF 76]

STATE OF WISCONSIN * CIRCUIT COURT *
KENOSHA COUNTY
BRANCH 2
In re the Marriage of:
SARAH ANN FOX,
Petitioner,
and
MATHIEW RAE FOX,
Respondent.
Case No. 2021FA000047
Hon. Jason A. Rossell

PROPOSED ORDER PARENTAL ACCESS TO MINOR CHILDREN'S RECORDS

The Court having reviewed Respondent's pending request concerning access to the minor children's records, including Document 486 and Respondent's June 24, 2026 submission filed as Document 502; and The Court noting that Document 502 was filed pursuant to the Court's June 23, 2026 directive that Respondent submit the authorization forms referenced in Document 486; and The Court having considered the statutory provisions governing parental records access and the limitations applicable to treatment, privileged, confidential, or otherwise protected information;

IT IS ORDERED:

1. Parental Records Access. Pursuant to Wis. Stat. § 767.41(7)(a), Respondent Mathiew Rae Fox's present lack of legal custody does not, standing alone, prohibit his access to the minor children's medical, dental, and school records. With respect to treatment records governed by Wis. Stat. § 51.30, Respondent's access shall be governed by Wis. Stat. § 51.30(5)(b) and the other applicable provisions of that section. All access remains subject to any applicable statutory exception, privilege, confidentiality requirement, or specific existing court order limiting access.

[Original page 3; source collection PDF 77]

2. Documents 486 and 502. The Court recognizes Document 486 as Respondent's pending records-access request and accepts Document 502 and its attached authorization forms as compliance with the Court's June 23, 2026 directive to submit those forms.

3. Authorizations. To the extent Pathways Consulting, Professional Services Group/PSG, or another provider requires an authorization, release, consent, or comparable form from Petitioner in order to process a records request for information that Respondent is otherwise legally entitled to receive, Petitioner shall execute the reasonably necessary authorization or form within seven (7) calendar days of entry of this Order. Petitioner's execution of such an authorization shall not be construed as consent to disclosure of information that applicable law independently prohibits the provider from releasing.

4. Objection to Authorization. If Petitioner objects to executing a provider-required authorization described in paragraph 3, Petitioner shall file a written objection within seven (7) calendar days identifying the specific authorization or requested category at issue and the basis for the objection. An objection based solely upon Respondent's present lack of legal custody shall not constitute a sufficient basis for withholding

execution of an authorization for records to which Respondent is otherwise entitled by law.

5. Scope of Request. Respondent may request the categories of records identified in Document 502, including intake, referral, enrollment, assessment, administrative handling, billing, authorization, scheduling, attendance, provider assignment, records access, records disclosure, and related service information, to the extent Respondent is entitled to access those records under applicable law. Document 502 separately states that the authorizations are not directed at separately maintained psychotherapy process notes as a standalone category.

6. Legally Protected Material. Nothing in this Order requires disclosure of any record or portion of a record that a provider is prohibited by law from releasing. Nothing in this Order abrogates any applicable privilege, confidentiality protection, statutory exception, or lawful court-ordered restriction.

7. Narrowing Rather Than Wholesale Denial. If a particular category or portion of the requested records is subject to a lawful restriction, that restriction shall not, by itself, operate as a denial of all otherwise accessible

[Original page 4; source collection PDF 78]

records. The parties may seek further direction from the Court concerning disputed categories, redaction, protective conditions, staged production, or another procedure authorized by law.

8. Existing Contact Restrictions. Nothing in this Order authorizes Respondent to contact Hollie White or to violate any injunction, bond condition, no-contact provision, or other lawful restriction currently in effect.

9. Records-Access Channels. Respondent may pursue lawful records access through a provider's records custodian, health-information-management department, compliance office, administrative office, counsel, secure records portal, mail, or other ordinary records-access channel, provided that the method used does not constitute direct or indirect contact with any individual whom Respondent is prohibited by law or court order from contacting.

10. Effect of Existing Custody and Placement Orders. Nothing in this Order modifies the present allocation of legal custody, physical placement, treatment decision-making authority, provider assignment, or any other existing custody or placement order. This Order concerns records access only.

11. Use of Order. Respondent may provide a file-stamped or certified copy of this Order to Pathways Consulting, Professional Services

Group/PSG, or another records custodian in connection with a lawful request for the minor children's records.

12. Further Relief. Either party may seek further judicial determination concerning a specifically identified record or category if a dispute remains after entry of this Order.

Dated this _____ day of September, 2026.

_____
Hon. Jason A. Rossell
Circuit Court Judge
Kenosha County Circuit Court

Electronic decline of proposed order (cover excerpt)

2021FA000047; Doc. 521; filed 08-10-2026; reproduced in Dkt. 75-2, p. 14

[Editorial identification: proposed relief declined; this is not an entered order.]

[Original page 1; source collection PDF 79]

DATE DECLINED: August 10, 2026

Electronically declined by Gerad Dougvillo Circuit Court Judge FILED 08-10-2026; Clerk of Circuit Court; Kenosha County; 2021FA000047

Trial transcript excerpts — original line numbers retained

2021FA000047; Doc. 312; September 29, 2025 trial

[Original page 159; source collection PDF 115]

1. THE COURT: You go ahead and step down. Thank you,
2. ma'am.
3. (Witness Excused.)
4. THE COURT: Attorney Anderson, your next witness.
5. MR. ANDERSON: Hollie White assuming she's here.
6. THE COURT: Raise your right hand, please.
7. (HOLLIE WHITE, PETITIONER'S WITNESS, SWORN.)
8. THE COURT: All right. Have a seat. State your full
9. name. Spell your first and last name into the microphone for
10. the court reporter, please.
11. THE WITNESS: Hollie, H-O-L-L-I-E. Middle initial E.
12. Last name, White, like the color, W-H-I-T-E.
13. THE COURT: Thank you.
14. DIRECT EXAMINATION
15. BY MR. ANDERSON:

16. Q. Ms. White, I'm going to ask you first and foremost,
17. are you familiar with the two parties that are sitting in this
18. courtroom today, Mr. Mathiew Fox and Sarah Fox?
19. A. Yes, I am. Sarah's sitting on your side, and Mathiew
20. is sitting over further closer to me.
21. Q. All right. Let's start with your relationship with
22. Mr. Mathiew Fox. All right.
23. A. Sure.
24. Q. Can you tell me when that began and how?
25. A. Sure. So we met on an online dating site, February

[Original page 160; source collection PDF 116]

1. 28th of '21. We started dating. I moved in with him in, I
2. believe, July of '21, and then we broke up July 4th of '22.
3. Q. So approximately two years, sounds like.
4. A. No, about a year. '21 to '22.
5. Q. '21 to '22.
6. A. A little shy of a year, yeah.
7. Q. Okay. And so you move -- when you moved in, you
8. became familiar with his two children?

9. A. Yes, I did.
10. Q. And were you living in the same household then when he
11. was having the children on his days during that time?
12. A. Yes, I did.
13. Q. Okay. And can you give me an idea of what type of,
14. I'll call it, relationship and care that you observed being
15. provided by Mr. Fox to these children
16. A. Sure. So he was in between jobs at the time, was
17. working very long shifts. I often took care of them myself
18. while he was not there. In observation of him, I would say
19. there were times where, like, he was really good with them. I
20. wouldn't have stayed from July to February if he was awful all
21. the time. But as time progressed, I think that there was less
22. hesitation on his end to interact with them when I was present
23. in ways that I would not agree with. I don't know how much
24. more detail you want me to go into. I could give you examples.
25. Q. No, I want examples. I want to --

[Original page 171; source collection PDF 117]

1. Are you offering this just for the fact of the complaint
2. and the photos?
3. MR. ANDERSON: That's correct.
4. THE COURT: I didn't hear testimony as to a video.
5. So your objection is noted. It's overruled. I'll admit it
6. into evidence. And the best person to have that video would in
7. fact be your client and he's always welcome to produce said
8. video on his testimony purposes. So there's no undue prejudice
9. of any kind.
10. (Exhibits 13 and 16 Recieved.)
11. THE COURT: Anything else?
12. MR. DICKINSON: Cross?
13. THE COURT: Yep.
14. MR. DICKINSON: Okay.
15. CROSS-EXAMINATION
16. BY MR. DICKINSON:
17. Q. Hollie, to the best of your knowledge, was there a
18. video included in this complaint email, that was referenced?
19. A. What was in the complaint was screenshot and that's

20. exactly what I received. If you would like to -- in terms of
21. what DSPS sent to me, that is what I received. If you would
22. like to see said video, fine. I have nothing to hide.
23. Q. Okay. Have you filed police reports against Mr. Fox
24. and if so, how many have you filed?
25. A. Yes, I sure have. He just stated on Thursday, 13. I

[Original page 172; source collection PDF 118]

1. think it might actually be higher. Might be closer to 15. But
2. yes, I sure have.
3. Q. So you're saying 15?
4. A. 13 to 15, correct.
5. Q. Over the course of what time period?
6. A. Over the course of 3.5 years.
7. Q. Now the allegation here is that you hurt the children.
8. Have you ever hurt the children?
9. A. Absolutely not.
10. Q. Are there any videos that show you hurting the
11. children?
12. A. There's a video of a kid screaming down the hall when

13. I'm washing bath salts off them. There is no direct evidence
14. that I ever abused them, nor has there been a police rep- -- or
15. a CPS allegation against me. I've actually never been reported
16. as a maltreater in over 12 years of my career.
17. Q. Now regarding your relationship with Sarah, you -- you
18. stated that you're -- you're friends with her at this point.
19. A. Yeah.
20. Q. Okay. Now, --
21. MR. ANDERSON: Which one? Well, --
22. Q. -- you also mentioned that Matt made some -- was
23. interacting with your work PSG and making some complaints
24. there; is that correct?
25. A. Correct.

[Original page 173; source collection PDF 119]

1. Q. Now, were you aware that Matt felt that it was a
2. conflict for the children to be going to PSG while you work
3. there?
4. A. That would be something you would take up with the

5. therapist themselves. I don't have access to those records.
6. And if he had some issue with that, then you talk to the
7. therapist and like he did, he went to the owners and went up
8. the whole food chain of everything. So I've done everything to
9. ensure that it's not a conflict, because, again, there's not
10. many places around here that provide any type of services. And
11. so I provided statements that I don't access any of their
12. stuff.
13. Q. Now, what type of services are you referencing?
14. A. Psychotherapy.
15. Q. And is that the type of therapy the children are
16. receiving?
17. A. I don't see their records. I would imagine it's a
18. type of psychotherapy.
19. Q. Okay. So you would have no direct knowledge as to the
20. availability of alternate providers for the children?
21. A. I know that -- how old M.F. is as I live there, and

22. I know that within the network, the amount of providers that
23. provide services to someone particularly that young, you would
24. maybe get in somewhere Children's in Milwaukee, because I've
25. referred people out, so I know it through that lens, not

[Original page 174; source collection PDF 120]

1. through his children's files.
2. Q. Okay. So you haven't reviewed his files. So you
3. don't know specifically what his needs would be or what type of
4. provider would be appropriate.
5. A. That's fair, yes.
6. Q. Okay. So there -- seems you have no knowledge of what
7. actual treatment is -- has been recommended for him or the type
8. of therapy. There -- there could be other options available
9. besides PSG, right?
10. A. If he weren't as young as he was. That's what's not,
11. I guess, negotiable, the age. There are many therapists who do
12. not see children even under eight, let alone how old he is.

13. And that I happen to know by living in the residence. So do I
14. know exactly what treatment modality? No, but based off his
15. age, it makes sense. I don't know where else he would go in
16. this area based off his age.
17. Q. So are you familiar with M.F. 's current therapist?
18. I believe her name is Jessica --
19. MR. DICKINSON: What's her name?
20. MR. FOX: Jessica Dorner.
21. Q. Jessica Dorner.
22. THE COURT: Isn't it Reynolds? Reynolds.
23. MR. FOX: Gamboa-Reynolds.
24. UNKNOWN SPEAKERS: (Indiscernible Overtalk.)
25. THE WITNESS: I know her. She works in a different

[Original page 176; source collection PDF 121]

1. available in the community, not necessarily.
2. Q. Okay. I previously asked you about the police reports
3. you filed.
4. A. Mm-hmm.
5. Q. Was -- and you mentioned that Matt was part of those

6. police reports. Was -- was Sarah ever a part of any of those
7. police reports?
8. A. Yes. One of them was because she was present when, I
9. think that was June 12th of '22, that she was present. So she
10. would have just been listed as a witness, I guess, and that
11. resulted in him going to jail that day.
12. Q. And was anything substantiated from that incident?
13. A. They showed the DA. I can't control what the DA's
14. office does. At that time, they did not do the restraining
15. order violation, but they showed him with obstruction.
16. Q. And was there a conviction on obstruction?
17. A. Yes.
18. Q. Was there -- was that a civil citation or a criminal?
19. A. Civil citation. Again, I can't control what the DA's
20. office chooses to do.
21. Q. Are you familiar with the coding system at your work?
22. A. Coding system, like F-codes for diagnoses?
23. Q. Correct?

24. A. Yes. That's not just my work. That's DSM criteria.
25. Q. Okay. Have you ever altered any F-codes regarding any

[Original page 177; source collection PDF 122]

1. of your treatment records?
2. A. No. And again, to be clear, you're saying F-code,
3. like as if I went in and changed his kid's diagnoses?
4. Q. Correct.
5. A. Absolutely not, nor would I have access to do so.
6. That hasn't even been alleged, I'll add.
7. MR. DICKINSON: Okay. That's all I have at this
8. time, Your Honor.
9. THE COURT: All right. Anything, Attorney McIntosh.
10. MS. MCINTOSH: Just briefly.
11. CROSS-EXAMINATION
12. BY MS. MCINTOSH:
13. Q. You had testified to, when you were residing with
14. Mr. Fox, witnessing him speak poorly about Sarah; is that
15. accurate?
16. A. Yes.
17. Q. When you saw this or heard him make these statements,
18. were the children around?

19. A. At times. Like as time progressed, initially, no.
20. But as time progressed, yes, it was in front of them.
21. Q. So they would sometimes hear Mr. Fox speak poorly
22. about their mother; is that fair to say?
23. A. Yes. And additionally, in the police body cam I have,
24. when he was arrested on 12th June of '22, he said to the kids,
25. "Well, you can blame your mom." And that's on police body cam

[Original page 178; source collection PDF 123]

1. for him being arrested as a violation of my restraining order.
2. Q. Is it fair to say that Mr. Fox has alleged that you
3. and Sarah have been kind of colluding and working together in
4. this family case?
5. A. That is his allegation, correct.
6. Q. And is it your understanding that he has accused me of
7. being involved in that as well?
8. A. Correct. This is the first time I've ever seen you in
9. my life.

10. Q. I was just going to ask. Have you ever spoken to or
11. met with me at all prior to today?
12. A. Never in my life. Didn't even know that's why you
13. were sitting there.
14. MS. MCINTOSH: I have no other questions.
15. THE COURT: Attorney Anderson?
16. REDIRECT EXAMINATION
17. BY MR. ANDERSON:
18. Q. Only spoken to me, I think, once is that true, before
19. today?
20. A. Correct.
21. Q. That was in relation to a video that you saw posted?
22. A. Correct.
23. MR. ANDERSON: Nothing further.
24. THE COURT: Attorney Dickinson?
25. MR. DICKINSON: Nothing, Your Honor.

[Original page 179; source collection PDF 124]

1. THE COURT: Go ahead. If you need to talk to your
2. attorney first.
3. MR. DICKINSON: One more follow up.
4. THE COURT: Go ahead.
5. RECROSS-EXAMINATION
6. BY MR. DICKINSON:

7. Q. Were you aware that you were showing up on the billing
8. invoices on a prior contempt hearing regarding, I believe, Mr.
9. Anderson's billing?
10. A. That would have been due to the phone call that -- I
11. didn't withhold anything. I knew I was going to be getting
12. subpoenaed. There's nothing that I tampered with any records
13. or did anything. It goes exactly to what his question just was
14. that we talked for whatever 10 minutes -- I don't even -- not
15. long.
16. MR. DICKINSON: Okay. That's all Your Honor.
17. THE COURT: All right. Any follow-up?
18. MR. ANDERSON: No.
19. THE COURT: Go ahead and step down. Thank you very
20. much.
21. (Witness Excused.)
22. THE COURT: Next witness.
23. MR. ANDERSON: Brittany Mantooth.
24. THE BAILIFF: What's the name?
25. MR. ANDERSON: Brittany Mantooth?