

**COURT OF APPEALS
DECISION
DATED AND FILED**

January 20, 2016

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

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

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

Appeal No. 2015AP769

Cir. Ct. No. 2015CV64

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

JENNIFER MARIE RICKARD,

PETITIONER-RESPONDENT,

V.

PATRICK SCHOTTLER,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for St. Croix County:
SCOTT R. NEEDHAM, Judge. *Affirmed.*

Before Stark, P.J., Hruz and Seidl, JJ.

¶1 PER CURIAM. Patrick Schottler, pro se, appeals an order denying as untimely a request for a de novo hearing from a court commissioner decision granting a harassment injunction requested by Jennifer Rickard. We affirm.

¶2 On February 23, 2015, a hearing was held before a court commissioner concerning Rickard’s harassment petition. At the conclusion of the hearing, the commissioner granted the injunction. On March 6, 2015, Schottler submitted ex parte correspondence to the court commissioner’s office stating, “I need a cost on the transcript, both for me and apposing [sic] counsel, and one for the record. I plan on appealing this case this is ‘not’ my notice of appeal.”

¶3 On March 27, 2015, Schottler filed correspondence with the circuit court’s office “asking for a review of the Court Commissioner’s order.” On April 1, 2015, the circuit court denied Schottler’s request as untimely under St. Croix County Circuit Court Rule No. 205.05, which required that a demand for a de novo hearing be made within fifteen days from the court commissioner’s decision. Schottler now appeals.

¶4 WISCONSIN STAT. § 757.69(8)¹ governs circuit court review of court commissioner decisions:

Any decision of a circuit court commissioner shall be reviewed by the judge of the branch of court to which the case has been assigned, upon motion of any party. Any determination, order, or ruling by a circuit court commissioner may be certified to the branch of court to which the case has been assigned, upon a motion of any party for a hearing de novo.

¶5 St. Croix County Circuit Court Rule 205.05 provides that a party seeking review of any decision of a circuit court commissioner or family court commissioner must file a demand for a hearing within fifteen days of the date of the commissioner’s decision.

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

¶6 In his principal brief to this court, Schottler concedes—indeed, argues—his March 6, 2015 correspondence “could not be my appeal [as] I stated it was not my appeal.” Thus, it was Schottler’s correspondence dated March 27, 2015, that sought review of the commissioner’s February 23, 2015 decision. As such, the circuit court correctly concluded Schottler’s request was not made within the required fifteen days from the commissioner’s decision, and therefore it was untimely.

¶7 A circuit court has authority to adopt and amend local rules governing practice in that court that are consistent with statutes relating to pleading, practice and procedure. *See Hefty v. Strickhouser*, 2008 WI 96, ¶59, 312 Wis. 2d 530, 752 N.W.2d 820. Schottler does not contend St. Croix County Circuit Court Rule 205.05 is inconsistent with WIS. STAT. § 757.69(8) or any other state rule or statute, or that a fifteen-day period in which to request de novo review is unreasonable. Schottler does not otherwise explain why the local rule should not apply in this case as a procedural bar, other than to summarily contend that “[u]sing a procedural error to deny a constitutional right would be contrary to the Constitution and there fore that procedural Rule would be Not with standing.”² We will not consider undeveloped and unsupported arguments. *See M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988).

² Schottler’s briefs to this court, rather than attempt to explain his arguments in this regard, merely take umbrage with the sufficiency of the evidence supporting the injunction and otherwise argue against the merits of the injunction.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE
809.23(1)(b)5.

