

No. 97-2220

STATE OF WISCONSIN

IN COURT OF APPEALS  
DISTRICT IV

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IN RE THE MARRIAGE OF:  
NANCY THIEDE,

FILED

May 29, 1998

PETITIONER-RESPONDENT,

v.

CLERK OF  
COURT OF APPEALS  
OF WISCONSIN

TERRY NEUMAN,

RESPONDENT-APPELLANT.

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**ERRATA SHEET**

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PLEASE TAKE NOTICE that the attached page 2 is to be substituted for page 2 in the above-captioned opinion which was released on May 21, 1998.

VERGERONT, J. Terry Neuman appeals from an order of the circuit court regarding his child support obligation. The order was entered after Nancy Thiede, Neuman's former wife, brought a motion alleging that he was paying less than 25% of his gross income for child support. Neuman contends that the court erred in including in his gross income certain income of Neuman Electric, Inc., based on a finding that he had control of the corporation. This is error, Neuman contends, because he and his current wife each own 50% of the stock in Neuman Electric, Inc. We conclude that the court correctly applied the applicable regulation and its factual findings are supported by the record. We therefore affirm that portion of the decision determining Neuman's current gross income and child support obligation.

Neuman further appeals the decision of the circuit court awarding Thiede retroactive support payments at 18% interest, and one-half of her costs and attorney's fees. We conclude that the court did not err in awarding retroactive support payments and interest, and accordingly uphold that portion of the circuit court's decision. However, we hold that the court did err by awarding Thiede attorney's fees after quashing Neuman's discovery requests for Thiede's financial information. Accordingly, we reverse and remand the portion of the decision relating to attorney fees.

## BACKGROUND

Neuman and Thiede were divorced in 1988. Included in the marital estate was Neuman's share of the proceeds from the dissolution of Norb's Electric, a partnership with his father. After dissolution of the partnership, Neuman worked as an employee of his father, d/b/a Norb's Electric. After a maintenance