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DISTRICT IV

October 16, 2025

To:

Hon. Josann M. Reynolds
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Emma L. Ferguson
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Anthony J. Jurek
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You are hereby notified that the Court has entered the following opinion and order:

2024AP921 Petitioner v. Paul Joseph Koehler (L.C. # 2024CV460)

Before Blanchard, Nashold, and Taylor, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Paul Koehler appeals a domestic abuse injunction order and an order denying his motion for relief from the order. Koehler argues that the injunction order is void because: (1) the statutory requirement of service of the petition was not satisfied; and (2) the court lacked jurisdiction based on the lack of service. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[1] We summarily affirm.

[1] All references to the Wisconsin Statutes are to the 2023-24 version.

On February 16, 2024, the petitioner filed a petition for a domestic abuse restraining order and injunction against Koehler. It is undisputed that Koehler was not served with the petition. However, Koehler appeared at the injunction hearing. The circuit court noted that Koehler had not been served with the petition, and asked Koehler whether he was contesting the petition. Koehler stated that he was. The court then took evidence and, at the conclusion of the hearing, granted the injunction.

Koehler moved for relief from the injunction order. Koehler argued that the injunction action was never "commenced" absent service of the petition. *See* WIS. STAT. § 813.12(2)(a) ("The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service."). He argued that, because the action was never "commenced," the circuit court lacked authority to issue the injunction. He also argued that the injunction was improperly granted because "service is an essential prerequisite for granting an injunction under WIS. STAT. § 813.12(4)(a)2." The circuit court denied the motion, explaining that Koehler "appeared voluntarily in person for the Injunction Hearing in this contested matter on March 11, 2024 and thereby submitted himself to the jurisdiction of the court." Koehler appeals.

This appeal requires us to decide whether the circuit court had the authority to issue a domestic abuse injunction under WIS. STAT. § 813.12. Statutory interpretation is a question of law subject to our de novo review. ***Hayen v. Hayen***, 2000 WI App 29, ¶6, 232 Wis. 2d 447, 606 N.W.2d 606 (1999).

Koehler argues first that the statutory criteria for the injunction were not met because he was not served with the petition. *See* WIS. STAT. § 813.12(4)(a)2. (statutory criteria for a

domestic abuse injunction includes that "[t]he petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction"). He cites ***Laluzerne v. Strange***, 200 Wis. 2d 179, 184, 546 N.W.2d 182 (Ct. App 1996), for the proposition that the court lacks authority to issue an injunction if the statutory criteria for an injunction are not met.

Second, in a related argument, Koehler argues that the circuit court lacked subject matter or personal jurisdiction absent service of the petition. He argues that the action never "commenced" because he was never served with the petition. *See* WIS. STAT. § 813.12(2)(a) (domestic abuse injunction action "commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service"). He argues that, absent commencement of the action, the circuit court lacked subject matter jurisdiction. He contends that the court also lacked personal jurisdiction over him based on the lack of service. *See* WIS. STAT. § 801.05 (setting forth grounds for personal jurisdiction "over a person served in an action").

Thus, the premise for both of Koehler's arguments that the injunction order is void is the lack of service of the petition. However, we conclude that the lack of service of the petition was cured when Kohler appeared personally in court for the injunction hearing without objecting to the court's jurisdiction.

It is well established that an appearance in court without objection to the court's jurisdiction is "equivalent to personal service." *See* ***Artis-Wergin v. Artis-Wergin***, 151 Wis. 2d 445, 452, 444 N.W.2d 750 (Ct. App. 1989) ("[A]n appearance of a defendant who does not object to the [court's] jurisdiction over [the] person is an appearance and equivalent to personal

service."). Accordingly, Koehler's appearance in court without objection to the court's jurisdiction over his person was "equivalent to personal service."

In his reply brief, Koehler argues that ***Artis-Wergin*** is inapplicable because it is a family law case, and thus governed by the rules of civil procedure. He contends that, unlike the family law statutes, the domestic abuse injunction statute "disavows" the rules of civil procedure by providing that the action is commenced by service of a petition rather than by the filing of a complaint. *See* WIS. STAT. §§ 813.12(2)(a), 801.02(1). Koehler also contends that other general civil procedure provisions—such as those providing for a complaint and counterclaim and for calendaring—cannot apply given the different procedure provided in the statutes for a domestic abuse injunction case. *See* WIS. STAT. §§ 802.01(1), 802.06(1)(a), 802.10, 813.12(3)(c).

These arguments fail. While Koehler cites specific provisions within the domestic abuse injunction statutes that provide for procedures different from the general rules of civil procedure, he cites no authority for the broad proposition that none of the rules of civil procedure can ever apply in a domestic abuse injunction case. In fact, the domestic abuse injunction statutes specifically reference the need to comply with the civil-case service requirements of WIS. STAT. § 801.11(1). *See* WIS. STAT. § 813.12(2) (providing for service by publication if "the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under [§] 801.11(1)(a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise"). As additionally relevant here, Koehler has not established that the holding in ***Artis-Wergin***—that an appearance without objection is equivalent to personal service—does not apply in a domestic abuse injunction case.

Because Koehler's appearance without objection was the equivalent of personal service, we reject his arguments that the injunction order is void based on lack of service.[2]

Finally, Koehler appears to assert in his reply brief that he was deprived of due process because he was not provided with a copy of the petition. At the outset, that argument is not properly raised because it is asserted for the first time in his reply brief. *See* ***State v. Lock***, 2013 WI App 80, ¶38 n.6, 348 Wis. 2d 334, 833 N.W.2d 189 (we generally do not address issues raised for the first time in a reply brief). In any event, Koehler simply asserts, without developed argument, that service of the petition was necessary to provide him with notice of the accusations against him. However, Koehler does not explain why his presence during the petitioner's testimony at the injunction hearing was insufficient to inform him of the accusations against him, or how he was deprived of the opportunity to meaningfully respond.[3] We therefore do not address this argument further. See ***Wisconsin Conf. Bd. of Trs. of the United Methodist Church, Inc. v. Culver***, 2001 WI 55, ¶38, 243 Wis. 2d 394, 627 N.W.2d 469 (we need not address arguments that are conclusory and insufficiently developed).

Therefore,

[2] Koehler also contends that reversal is warranted because "the circuit court failed to make the finding required by WIS. STAT. § 813.12(4)(a)(2)" as to service of the petition. However, the court found that Koehler "appeared voluntarily in person for the Injunction Hearing in this contested matter on March 11, 2024 and thereby submitted himself to the jurisdiction of the court." As we have explained, appearance in court without objection is "equivalent to personal service." *See* ***Artis-Wergin v. Artis-Wergin***, 151 Wis. 2d 445, 452, 444 N.W.2d 750 (Ct. App. 1989). Accordingly, the court made the necessary factual finding as to service to support its decision.

[3] For example, Koehler asserts that not all of the contents of the petition were testified to, but that the contents of the petition "were necessarily the basis for the granted injunction." However, Koehler does not explain what facts were in the petition but not included in the testimony, and does not tell us what facts he submits the circuit court relied on that were not testified to.

IT IS ORDERED that the orders are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals