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DISTRICT IV

October 23, 2025

To:

Hon. Wendy J.N. Klicko
Circuit Court Judge
Electronic Notice

Emily Laurien Reigel Wilson
Electronic Notice

Carrie Wastlick
Clerk of Circuit Court
Sauk County Courthouse
Electronic Notice

Nicole Lynn Pazin
Electronic Notice

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

2024AP2148

Tylor Robert Stone v. Nicole Lynn Pazin (L.C. # 2017FA281)

Before Graham, P.J., Kloppenburg, 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).

Nicole Pazin appeals from orders issued in post-divorce litigation that required her to authorize the release of certain confidential medical and mental health records in discovery and that imposed ongoing restrictions on her periods of physical placement with her children. Based on 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 Because Pazin has not established any error in the orders she challenges, we summarily affirm.

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

Pazin shares two children with her ex-husband, Tylor Stone. In the years following their 2018 divorce, Pazin and Stone have engaged in multiple rounds of litigation over legal custody and physical placement of the children. Stone's motion to modify custody and placement in September 2019 was purportedly based on concerns about Pazin's mental health and her inability to safely care for the children. Pazin was subject to involuntary commitment orders under WIS. STAT. § 51.20 in 2019 and in 2020. In June 2020, the circuit court ordered Pazin to authorize release of her medical and mental health records, subject to various confidentiality requirements, in response to Stone's discovery requests. In November 2020, the court issued a final order providing for joint legal custody and shared physical placement of the children.

Stone filed additional motions to modify legal custody and physical placement in April 2022, May 2024, and June 2024. Again, Stone asserted that Pazin's judgment and mental health issues, which resulted in another involuntary commitment in April 2022, jeopardized the children's safety. In February and July 2023, the circuit court issued additional orders that, like the June 2020 order, required Pazin to authorize release of her medical and mental health records, again subject to confidentiality requirements.² In March 2024, the court ordered that Pazin's placement of the children "shall be supervised, at all times, by a competent adult" at least until October 31, 2024. The court ultimately resolved the pending custody and placement issues in October 2024, issuing a final order that required Pazin's placement with the children to be

² Pazin filed a notice of appeal the day after the February 2023 order was issued, seeking this court's review of that order. We dismissed that appeal in April 2023 for lack of jurisdiction because it was not an appeal from a final order. *See* WIS. STAT. § 808.03(1). Stone's briefing in the appeal before us now mischaracterizes Pazin's earlier appeal as seeking review of both the "2020 and 2023 confidentiality orders" and makes a misguided argument based on *res judicata*. The 2020 order was not raised in Pazin's earlier appeal, and the fact that we dismissed her appeal of the non-final 2023 order for lack of jurisdiction does not mean that we lack jurisdiction to review the order now that the circuit court has issued a final order. *See* WIS. STAT. § 809.10(4).

supervised and prohibited any contact between the children and “any significant other [Pazin] may have.”

Pazin filed a notice of appeal in October 2024, challenging: the legality of the circuit court’s orders requiring the release of her medical and mental health records; alleged bias in judicial decision-making; and the conditions imposed on her physical placement time, which she asserts are excessive and unwarranted. For the reasons explained below, Pazin has not demonstrated error in the orders she appeals.

We begin with the orders requiring the release of Pazin’s medical and mental health records. The first order—issued in June 2020—pre-dated the circuit court’s November 2020 final order disposing of all issues then before the court. *See* WIS. STAT. § 808.03(1) (providing that a final judgment or order—one that “disposes of the entire matter in litigation as to one or more of the parties”—may be appealed as a matter of right). Pazin did not timely appeal that final order, which would have “br[ought] before the court all prior nonfinal ... orders” not previously appealed. *See* WIS. STAT. § 809.10(4). We lack jurisdiction now to review the June 2020 order. *See Morway v. Morway*, 2025 WI 3, ¶40, 414 Wis. 2d 378, 15 N.W.3d 886 (dismissing an appeal for lack of jurisdiction when appellant’s notice of appeal was filed outside the 90-day timeframe for appeal).

Assuming we have jurisdiction over the substantively similar 2023 orders,³ which were entered after the November 2020 final order and prior to the circuit court’s resolution of all outstanding legal custody and physical placement issues in October 2024, we review these

³ Pazin appears to seek review of both 2023 discovery orders; she quotes the February order in her brief, and, in a separate section, refers to the July order by its date.

discovery orders requiring the release of Pazin’s medical and mental health records for an erroneous exercise of discretion. *See Crawford ex rel. Goodyear v. Care Concepts, Inc.*, 2001 WI 45, ¶11, 243 Wis. 2d 119, 625 N.W.2d 876. The orders will be upheld unless Pazin shows that the circuit court’s decision to issue them is not “consistent with the facts of record and established legal principles.” *Id.* (citation omitted); *see also Sands v. Whitnall Sch. Dist.*, 2008 WI 89, ¶13, 312 Wis. 2d 1, 754 N.W.2d 439 (“The burden of proof is on the appellant to show that the circuit court erroneously exercised its discretion in granting a litigant’s right to discovery.”).

Pazin does not assert that she challenged these orders in the circuit court or include record cites reflecting the court’s response to such arguments. *See State v. Whitrock*, 161 Wis. 2d 960, 969, 468 N.W.2d 696 (1991) (“[T]he general rule in Wisconsin is that the court will not consider an issue raised for the first time on appeal.”). While she asserts that her medical and mental health records are protected under the Health Insurance Portability and Accountability Act (HIPAA) and WIS. STAT. § 51.30, she does not acknowledge explicit statutory provisions that otherwise confidential medical and mental health records may be accessed “[p]ursuant to lawful order of a court of record” or explain why the court’s orders requiring the disclosure of these records are not lawful. *See, e.g.*, § 51.30(4)(b)4.; WIS. STAT. § 146.82(2)4; 45 C.F.R. § 164.512(e); *see also* WIS. STAT. § 767.41(5)(am)10 (listing “the mental or physical health of a party” as it affects a child’s well-being as a factor to be considered in awarding legal custody and physical placement). Pazin does not meet her burden of demonstrating that the court erroneously exercised its discretion in ordering Pazin to authorize the release of certain medical and mental health records.

We now turn to the issue of bias. Pazin seems to assert that the circuit court was biased against her due to the same judge being involved (to some extent) in her involuntary commitment proceedings and her family law case. However, Pazin does not develop an argument or cite to supporting legal authority or to any parts of the record showing the court's alleged subjective or objective bias. See *State v. McBride*, 187 Wis. 2d 409, 415, 523 N.W.2d 106 (Ct. App. 1994) (explaining that a party asserting judicial bias must overcome the presumption of neutrality by showing, by a preponderance of the evidence, that the judge either subjectively believed he or she would not be able to act impartially or that objective facts demonstrate actual bias). We decline to review issues supported by conclusory statements rather than by references to the record and relevant legal authority. *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

Finally, we address Pazin's argument that the circuit court's October 2024 order requiring supervised physical placement and no contact between the children and Pazin's significant other is excessive and unwarranted. Pazin has not provided the transcript of the October 2024 hearing in which the court heard testimony and made its oral ruling regarding these conditions of placement. When a hearing transcript pertaining to a decision of the circuit court challenged on appeal is not provided as part of the appellate record, we assume the transcript supports every fact essential to the trial court's decision. *Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979). On that basis, we affirm.

IT IS ORDERED that the orders of the circuit court are summarily affirmed.

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

Samuel A. Christensen
Clerk of Court of Appeals