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DISTRICT IV

December 4, 2025

To:

Hon. Susan M. Crawford
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

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Katherine M. Wagner
Electronic Notice

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

2024AP1377

Katherine M. Wagner, f/k/a Katherine M. Samb v. Alassane D. Samb (L.C. # 2011FA1952)

Before Blanchard, 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).

Alassane Samb, pro se, appeals a postjudgment order of the circuit court requiring him to pay child support based on an imputed earning capacity and one-half of the health insurance costs for the parties' minor child. 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 We summarily affirm.

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

Samb and his ex-wife, Katherine Wagner, have one child together.² Samb filed multiple motions to change legal custody, physical placement, and child support in 2023 and 2024. After a June 5, 2024 hearing at which the circuit court considered the financial aspects of Samb's requests, the court ordered Samb to pay child support in the amount of \$700 per month, plus \$89 per month for one-half of the cost of the child's health insurance premium. The court's order includes findings that Samb, at relevant times when he was unemployed, made diligent efforts to obtain employment in his field, but he did not offer any evidence of extending his search for employment outside of his field. The court therefore deemed his unemployment "not for good cause," imputed an earning capacity to Samb of \$25 per hour, and ordered that Samb pay \$700 a month in child support and one-half of the child's monthly health insurance premium cost.

On appeal, Samb argues that his monthly child support obligation is "financially crippling given [his] unemployment," his portion of the insurance cost covers children that are not his, and the circuit court discriminated against him in its legal custody and physical placement determinations. Wagner responds that the child support award is appropriate under WIS. ADMIN. CODE § DCF 150.03, that there is no additional cost associated with her other children in the health insurance premium, and that the issues of custody and placement are still pending in the circuit court and thus not a part of this appeal.

Samb did not file a reply brief. Propositions asserted by a respondent on appeal and not disputed by the appellant in a reply brief are deemed admitted. *See Schlieper v. DNR*, 188

² It appears from the record and the respondent's brief that the respondent has changed her name. On our own motion, we amend the caption to designate the respondent as "Katherine M. Wagner, f/k/a Katherine M. Samb."

Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994). Moreover, Samb did not ensure that a transcript of the June 2024 hearing at issue in the appeal is included in the appellate record; when a transcript is not part of the record, we assume that it would support every fact essential to the circuit court's decision. *Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979). We therefore affirm the order on appeal.

IT IS ORDERED that the order of the circuit court is summarily affirmed.

IT IS FURTHER ORDERED that the caption is amended to designate the respondent as "Katherine M. Wagner, f/k/a Katherine M. Samb."

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

Samuel A. Christensen
Clerk of Court of Appeals