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DISTRICT II

February 18, 2026

To:

Hon. Teresa S. Basiliere
Circuit Court Judge
Electronic Notice

Daniel M. Muza
Electronic Notice

Desiree Bongers
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Tyler Paul Kasarsky
Electronic Notice

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

2024AP422

Tyler Paul Kasarsky v. Adam Ritchie (L.C. #2023CV998)

Before Neubauer, P.J., Gundrum, and Lazar, 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).

Tyler Paul Kasarsky appeals pro se from a circuit court order denying his petition for a harassment injunction. He also appeals from a subsequent court order denying his motion to construe his initial filing as a petition for a writ of replevin. 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 affirm.

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

On December 13, 2023, Kasarsky filed a petition for a harassment injunction against his former landlord Adam Ritchie. The petition alleged that Ritchie had harassed Kasarsky by threatening him with physical injury and violence in a recent dispute over unpaid rent. The petition further alleged that Kasarsky was unable to retrieve his tools and equipment from Ritchie's property afterward.

The circuit court held a hearing on the petition. At the outset of the hearing, the court denied Kasarsky's request to appoint counsel, citing the presumption against such an appointment in a civil matter. The court then heard testimony from several witnesses, including Kasarsky, Ritchie, and a man who observed their interactions on the relevant day in question.² The man denied hearing any threats made, which supported Ritchie's account of what happened.

Ultimately, the circuit court was not persuaded that Kasarsky had met his burden to obtain a harassment injunction. Accordingly, it denied the petition in a written order. The court suggested that Kasarsky contact Ritchie's attorney to work out a resolution regarding the tools and equipment left at the property; however, it acknowledged that Kasarsky may have to take legal action to retrieve them.

Kasarsky subsequently moved the circuit court to construe his initial filing as a petition for a writ of replevin. Replevin is an action for possession of disputed property. *Mueller v. TL90108, LLC*, 2020 WI 7, ¶12, 390 Wis. 2d 34, 938 N.W.2d 566. Again, the court denied the

² Kasarsky called other witnesses too; however, none of them observed the interactions between he and Ritchie on the relevant day in question.

motion in a written order, determining that it was improper under Wisconsin law. This appeal follows.

On appeal, Kasarsky contends that the circuit court erroneously exercised its discretion in entering the two written orders. He also complains that the court did not appoint him counsel in the case.

We are not persuaded that the circuit court erroneously exercised its discretion in denying Kasarsky's petition for a harassment injunction. As petitioner, it was Kasarsky's burden to show that Ritchie had engaged in harassment as defined in WIS. STAT. § 813.125(1)(am)(4). Kasarsky attempted to do so by alleging that Ritchie had threatened him with physical injury and violence. However, this allegation was undercut by a witness to the men's interactions on the relevant day in question. Based on the witness's testimony, the court could reasonably conclude that Kasarsky had not met his burden to obtain a harassment injunction. *See Plesko v. Figgie Int'l*, 190 Wis. 2d 764, 775, 528 N.W.2d 446 (Ct. App. 1994) ("When the [circuit] court acts as the finder of fact, it is the ultimate arbiter of the credibility of the witnesses and the weight to be given to their testimony.").

Likewise, we are not persuaded that the circuit court erroneously exercised its discretion in denying Kasarsky's motion to construe his initial filing as a petition for a writ of replevin. Kasarsky's initial filing was a court form used for commencing a harassment injunction, CV-405. The form tracks the relevant statute, WIS. STAT. § 813.125, and states that it "shall not be modified." If Kasarsky wished to petition for a writ of replevin, he needed to use a different form or, at the very least, file a different document citing the applicable legal authority. Indeed,

the court commissioner warned him of this issue at an earlier hearing on the petition.³ Although pro se filings are to be liberally construed, “there is a limit to [the court’s] lenience.” *State v. Romero-Georgana*, 2014 WI 83, ¶69, 360 Wis. 2d 522, 849 N.W.2d 668. Here, the court properly declined Kasarsky’s invitation to effectively rewrite his filing.

Finally, as to the issue of appointed counsel, the circuit court was correct in citing the presumption against such an appointment in a civil matter like this. See *Piper v. Popp*, 167 Wis. 2d 633, 646, 482 N.W.2d 353 (1992) (noting the presumption against appointment of counsel in a civil case in the absence of at least a potential deprivation of physical liberty). Because Kasarsky failed to meaningfully rebut the presumption, we cannot say that the court erred in denying his request.⁴

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court 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

³ When Kasarsky complained of Ritchie retaining his tools and equipment, the court commissioner stated, “So that’s a small claims issue for – for replevin action. This is not a replevin action. This is a harassment restraining order.”

⁴ To the extent we have not addressed an argument raised by Kasarsky on appeal, the argument is deemed rejected. See *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).