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DISTRICT IV

April 2, 2026

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Peter Anderson
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Teresa M. Arrowood
Electronic Notice

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

2023AP1257

In re the Marriage of: Randall J. Kuenzi v. Susan E. Kuenzi
(L.C. # 2016FA339)

Before Graham, P.J., Blanchard, 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).

In this divorce case, Randall J. Kuenzi appeals a circuit court order denying his request to terminate the maintenance payments he makes to Susan E. Kuenzi.¹ We conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).² We summarily affirm.³

¹ Because both parties have the same last name, we refer to them by their first names.

² All references to the Wisconsin Statutes are to the 2023-24 version.

³ Susan has not filed a respondent's brief. We nevertheless affirm the circuit court based on our review of Randall's brief and the appellate record.

Randall and Susan divorced in June 2017 after 27 years of marriage.⁴ At a hearing held in November 2017, the circuit court ordered Randall to pay monthly maintenance to Susan. The court took into account the length of the marriage and the parties' employment histories, education levels, ages, financial circumstances, and their mental and physical health. The court noted that, while Susan was not able at that time to earn a self-supporting income, she might be able to do so in the not-too-distant future. The court determined that it would use a "60/40 income split for a period of five years, which means a maintenance in the amount of \$1643.00."⁵ The court then said (with emphasis added):

Now, at the end of ... those five years, there's going to be a change, but I'm going to defer -- I'm not going to ... terminate maintenance at that time. I'm going to say we're going to have a hearing in five years. *You've got to bring it back to the Court to determine what is appropriate at that point.*

In June 2022, Randall moved to terminate maintenance. In December 2022, a circuit court commissioner denied Randall's motion to terminate maintenance, and Randall filed a motion for a de novo hearing in the circuit court. In March 2023, the court conducted a hearing on Randall's motion. In June 2023, the court issued a written order denying Randall's request to terminate maintenance. Randall appeals the June 2023 order.

To prevail on appeal, Randall must establish that the circuit court erroneously exercised its discretion with respect to his motion to terminate maintenance. ***Rohde-Giovanni v.***

⁴ The Honorable James P. Daley presided over the 2017 divorce judgment and maintenance order. At the March 2023 court trial and for the June 2023 order, the Honorable Karl J. Hanson presided. We refer to both as "the circuit court."

⁵ The circuit court's written Amended Findings of Fact, Conclusions of Law and Judgment of Divorce contained the slightly different maintenance amount of \$1,641 per month.

Baumgart, 2004 WI 27, ¶17, 269 Wis. 2d 598, 676 N.W.2d 452 (establishing the standard of review for maintenance decision). Randall advances several arguments, but none are persuasive.

Randall makes the broad assertion that Susan “is abusing the court system by continuing to receive maintenance.” However, Randall does not connect this assertion to any reviewable alleged error related to the circuit court’s June 2023 order, which is the order that he has appealed. This court may decline to address arguments that are undeveloped. *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). Further, Randall does not cite to the record in support of this argument. See WIS. STAT. RULE 809.19(1)(d) (requiring an appellant’s brief to contain “a statement of facts relevant to the issues presented for review, with appropriate references to the record”); *State v. McMorris*, 2007 WI App 231, ¶30, 306 Wis. 2d 79, 742 N.W.2d 322 (this court “may choose not to consider ... arguments that lack proper citation to the record”). “It is not this court’s responsibility to sift and glean the record in [full] to find facts supporting [a party’s] argument.” *Jensen v. McPherson*, 2004 WI App 145, ¶6 n.4, 275 Wis. 2d 604, 685 N.W.2d 603. Accordingly, we reject this assertion on the ground that it is undeveloped.

Also undeveloped is Randall’s separate argument that the circuit court’s 2017 maintenance order is unenforceable because it is “void and does not provide finality to the parties.” Again, Randall does not connect this argument to any reviewable alleged error related to the court’s 2023 order. And again, Randall fails to cite to the record in support of this argument. Accordingly, we also reject this argument based on a lack of development.

Randall also argues that “[m]aintenance was to terminate upon the conclusion of the five-year term” and that the circuit court “lost subject matter jurisdiction immediately upon the expiration of the five-year window.” We reject this argument on the ground that Randall failed

to preserve the issue in the circuit court for purposes of this appeal.⁶ Appellate courts generally do not consider arguments not first raised in the circuit court. *Gibson v. Overnite Transp. Co.*, 2003 WI App 210, ¶9, 267 Wis. 2d 429, 671 N.W.2d 388. Preserving the issue gives the circuit court the ability to correct the error and affords appellate review of the grounds for objection. *Air Wis., Inc. v. North Cent. Airlines*, 98 Wis. 2d 301, 311, 296 N.W.2d 749 (1980). Further, we do not discern, based on the record and the briefing here, any reason to diverge from the general rule of forfeiture in this instance. To cite only one reason not to diverge from the general rule, on this issue Randall fails again to cite to the record in support of this argument.

We turn to what we construe to be Randall’s argument that, as part of the 2023 decision, the circuit court erroneously determined that the 2017 maintenance order was for an indefinite term. There are many defects in this argument. Randall does not cite to any legal authority establishing what standard of review we should apply in reviewing the court’s 2023 determination, which is a necessary starting point for a potential argument. Further, here again Randall fails to direct us to record citations supporting this argument. Beyond that, Randall does not indicate where, or whether, he preserved this argument in the circuit court. We reject this

⁶ Randall appears to have raised a related argument about “subject matter jurisdiction” in a motion for relief from judgment that post-dated the 2023 order that is the subject of this appeal, but Randall’s appeal of the order denying relief from judgement was dismissed. *See* Appeal No. 25AP746. As for the proceedings that led to the 2023 order that is the subject of this appeal, Randall appears to have taken a position contrary to his position on appeal in a November 2022 letter brief to the circuit court. There, he stated that the original maintenance order “preserved the right of review” and that the court “took all factors of maintenance into consideration and determined that a review of maintenance after five years [would be] appropriate and warranted.”

argument for all of these reasons.⁷ See *Pettit*, 171 Wis. 2d at 646-47; *McMorris*, 306 Wis. 2d 79, ¶30; *Gibson*, 267 Wis. 2d 429, ¶9.

For all of these reasons, we affirm the circuit court’s 2023 order denying Randall’s motion to terminate maintenance. Accordingly,

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

⁷ We pause to remind Randall’s counsel about counsel’s obligation to use candor in making arguments and representations to courts. See SCR 20:3.3(a)(1) (requiring candor toward tribunals). This is related to assertions in Randall’s brief on appeal, specifically that the 2023 court order that he challenges in this appeal “was made *sua sponte*” and “contrary to notice and due process requirements.” Here again, counsel fails to cite to the record to support these assertions. Further, when we review the record, we see that they are not accurate. In June 2022, Randall filed with the circuit court an affidavit to show cause and to change maintenance, requesting that maintenance be terminated. Then, in December 2022, he requested a de novo hearing in the circuit court on this issue, which he was granted, and at which both sides were represented by counsel.