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**DISTRICT II**

March 12, 2025

*To:*

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Washington County Courthouse  
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Samuel C. Hall Jr.  
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Matthew J. Tobin  
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John K. Borowski  
Electronic Notice

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

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2022AP2105

John K. Borowski v. Julie A. Maule (L.C. #2021CV606)

Before Gundrum, P.J., Neubauer 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).**

John K. Borowski appeals pro se from orders dismissing his complaint for declaratory relief against Julie A. Maule based on rulings Maule made in her capacity as a Washington County Circuit Court Commissioner and denying his motion for reconsideration. Borowski argues that the circuit court erred in concluding that Maule has judicial immunity. 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).<sup>1</sup> We summarily affirm.

As relevant to this appeal, Borowski filed a summons and complaint seeking declaratory relief and monetary damages against Maule.<sup>2</sup> Borowski alleged that Maule had violated his Fourteenth Amendment due-process rights and Second Amendment right to bear arms when Maule, while acting as a circuit court commissioner, granted an injunction against Borowski and ordered a firearm surrender. Borowski alleged “judicial bias” against Maule, accusing her of having “a bone to pick with Borowski” and “lack[ing] impartiality.”

Maule filed a motion to dismiss the complaint on the basis that she is entitled to absolute quasi-judicial immunity. She also asserted that Borowski’s complaint failed to state a claim. The circuit court determined that Borowski’s claims against Maule were barred because Maule had absolute quasi-judicial immunity, and it entered an order dismissing his complaint.

Borowski filed a motion for reconsideration of the dismissal of his declaratory relief action. Because he failed to provide any newly discovered evidence or point to any manifest error of law the circuit court made in dismissing the complaint, the court denied the reconsideration motion. Borowski appeals.

Borowski’s brief on appeal presents his many criticisms of Maule’s rulings, yet he fails to squarely address the immunity issue, which was the primary ground on which the circuit court

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

<sup>2</sup> Borowski’s complaint also named as a defendant a woman who was granted an injunction against Borowski after a hearing conducted by Maule. That defendant is not a party to this appeal.

based its dismissal of Borowski’s complaint. Despite Borowski’s insistence on arguing the merits of Maule’s procedural and substantive court rulings, our review on appeal does not require us to reach the merits of any perceived wrong Borowski claims to have suffered in the injunction case. Instead, we review whether Borowski’s petition for declaratory relief against Maule was legally sufficient to withstand Maule’s motion to dismiss.

A motion to dismiss tests the legal sufficiency of the petition. *See Data Key Partners v. Permira Advisers LLC*, 2014 WI 86, ¶19, 356 Wis. 2d 665, 849 N.W.2d 639. We accept as true all well-pleaded facts in the complaint and reasonable inferences therefrom. *Id.* However, we will not accept legal conclusions as true, and such conclusions are insufficient to enable the pleading to withstand a motion to dismiss. *Id.*

Borowski’s arguments miss the mark; he fails to address why we should conclude the circuit court erred in dismissing Borowski’s complaint on the basis that Maule is immune from suit. Whether a defendant is entitled to immunity from suit also presents a question of law we review independently. *Kimps v. Hill*, 200 Wis. 2d 1, 8, 546 N.W.2d 151 (1996). “[A]n immunity is a ‘freedom from suit or liability’ conferred upon a particular defendant ‘not because of the existence of a particular set of facts or the moral justification of an act’ but as a result of that defendant’s status or position.” *Paige K.B. v. Molepske*, 219 Wis. 2d 418, 424, 580 N.W.2d 289 (1998) (citation omitted).

As we now explain, based on our independent review, we conclude that the circuit court did not err in dismissing Borowski’s complaint seeking declaratory relief. Maule was immune from suit as a result of her position as a court commissioner.

A judge enjoys absolute immunity for decisions made on the bench. *See Ford v. Kenosha Cnty.*, 160 Wis. 2d 485, 498, 466 N.W. 2d 646 (1991); *Scarpaci v. Milwaukee Cnty.*, 96 Wis. 2d 663, 694-95, 292 N.W.2d 816 (1980); *Stump v. Sparkman*, 435 U.S. 349 (1978). Judicial immunity extends to court commissioners as well as judges. *See* WIS. STAT. § 757.68 (authorizing appointment of circuit court commissioners); SCR 75.02(1) (authorizing court commissioners to “perform limited judicial and quasi-judicial functions under the direction and authority of the chief judge and the judges of the circuit”).

As Maule observes in briefing, Borowski’s appellate arguments, which mirror the arguments he made to the circuit court on the motion to dismiss and motion for reconsideration, all take issue with Maule’s procedural and substantive decisions in the underlying injunction case. Borowski remains steadfast in his disagreement with Maule’s decision that he was properly served prior to the injunction hearing. However, even if Maule erred in finding that service was proper, she was still acting within her official capacity as a court commissioner in making that decision. This remains the case regardless of any ill motives Borowski ascribes to Maule’s decision-making. We thus agree with Maule and the circuit court—any alleged violation of Borowski’s rights by Maule is insufficient to defeat immunity for Maule’s judicial acts in her official capacity as a court commissioner. *See Tobin for Gov. v. Illinois State Bd. of Elections*, 268 F.3d 517, 524 (7th Cir. 2001) (“[J]udicial officers are entitled to that immunity even when they act in error, maliciously, or in excess of their authority”).

Because our conclusion that Maule is entitled to immunity is dispositive of Borowski’s appeal, we need not address the parties’ other arguments. Therefore,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. WIS. STAT.  
RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*