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**DISTRICT IV**

June 5, 2025

To:

Hon. Ann M. Peacock  
Circuit Court Judge  
Electronic Notice

Jesse Schworck  
Electronic Notice

Jeff Okazaki  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Michelle R. Wagner  
Dane County Child Support Agency  
210 Martin Luther King Jr. Blvd., Rm. 365  
Madison, WI 53703

Emily Caroline Cunningham  
Electronic Notice

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

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2023AP859

In re the Paternity of L.O.: Jesse Schworck v. Vera Okello  
(L.C. # 2023FA419)

Before Kloppenburg, P.J., Blanchard, and Nashold, 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).**

Jesse Schworck, pro se, appeals a circuit court order denying his motion for de novo review of a court commissioner's order dismissing Schworck's paternity action. After reviewing 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.

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

Schworck and Vera Okello were married in Kenya in September 2013. They share one child, born in July 2016. In June 2019, Okello petitioned for divorce in Dane County Circuit Court Case No. 2019FA1039. Following a trial in November 2020, the circuit court entered a judgment of divorce and issued final orders concerning custody and placement. According to circuit court docket entries, the court rejected an argument made by Schworck during the divorce trial that his marriage to Okello was null and void because of a June 20, 2020 order from Kenya declaring such.

In December 2020, Schworck filed a new family law case, Dane County Circuit Court Case No. 2020FA1953. The circuit court dismissed the action with prejudice without a hearing. In May 2021, Schworck filed another family law case, Dane County Circuit Court Case No. 2021FA729, which also was dismissed without a hearing.

In March 2023, Schworck filed a paternity action, Dane County Circuit Court Case No. 2023FA419. A family court commissioner dismissed the action by order dated March 10, 2023, which stated in relevant part:

The record reflects that all of those issues have been addressed and are being addressed in a separate divorce case, Dane County Circuit Court case 19-FA-1039. Prior attempts by the petitioner to file separate court actions regarding these issues were denied in cases 20-FA-1953 and 21-FA-729. There is simply no reason to have multiple pending court actions between the parties, nor is it legally appropriate to collaterally attack a family court order through the filing of another action in the same forum.

Schworck then filed a motion for de novo review of the court commissioner's order. The circuit court issued an order on April 17, 2023, denying Schworck's motion for de novo review and dismissing the paternity action with prejudice. The court explained in its order that Schworck was attempting to relitigate issues of custody, placement, and child support that had

already been litigated and decided in the original Dane County divorce action, Case No. 2019FA1039. The court concluded that collateral estoppel and issue preclusion prevented the court from again considering issues that had already been decided. In addition, the court explicitly ruled that Schworck was prohibited and estopped from bringing any subsequent, separate case to relitigate issues already decided in Case No. 2019FA1039. Schworck then initiated this appeal of the court’s April 17, 2023 order.

On appeal, Schworck argues that the judgment of divorce entered in Case No. 2019FA1039 is null and void based on the June 20, 2020 order from Kenya, and that the circuit court therefore erred when it dismissed his paternity action. However, none of the orders entered in Dane County Circuit Court Case No. 2019FA1039 are properly before us in this appeal. Schworck has another appeal pending, Appeal No. 2023AP959, arising out of Case No. 2019FA1039. Further, Schworck fails to support his argument with references to relevant legal authority, and instead relies largely on conclusory assertions. his court need not consider arguments that are unsupported by adequate factual and legal citations or are otherwise undeveloped. See *Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (lack of record citations), *abrogated on other grounds by Wiley v. M.M.N. Laufer Family Ltd. P’ship*, 2011 WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236; *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). Although we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the record to develop viable, fact-supported legal theories on the appellant’s behalf, *Jackson*, 229 Wis. 2d at 337. Here, Schworck has failed to develop an argument supported by legal authority showing that any decision by the circuit court was erroneous as a matter of law, that the court

erroneously exercised its discretion, or that the court made a clearly erroneous finding of fact. We affirm on that basis.

Okello has filed a motion in this court seeking costs and fees for a frivolous appeal pursuant to WIS. STAT. RULE 809.25(3). Okello contends that Schworck knew or should have known that his appeal has no reasonable basis in law or equity and cannot be supported by a good-faith argument for the reversal of existing law. We agree that the appeal lacks such a basis, and that Schworck should have known that it lacks such a basis. Schworck does not present any viable legal arguments, relying instead on conclusory assertions that are unsupported and undeveloped. Moreover, Schworck was informed first by the court commissioner and then by the circuit court judge in this case that he could not seek relief from prior decisions made in the divorce case, Case No. 2019FA1039, through a separate paternity action. Indeed, as noted, Schworck has another appeal pending, Appeal No. 2023AP959, seeking relief from orders entered in the divorce case. We conclude that the instant appeal is frivolous under WIS. STAT. RULE 809.25(3)(c)2., and we award Okello her reasonable attorney fees and costs incurred in responding to this appeal. We remand for the circuit court to determine those fees.

Accordingly,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.83(2).

IT IS FURTHER ORDERED that the respondent is awarded costs for the appeal pursuant to WIS. STAT. RULE 809.25(1)(a)1. The respondent shall submit a standard statement of costs to the clerk of this court.

IT IS FURTHER ORDERED that we also award the respondent her reasonable attorney fees incurred in responding to this appeal. The matter is remanded to the circuit court for a determination of the amount of those reasonable attorney fees.

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*