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DISTRICT IV

August 14, 2025

To:

Hon. Frank D. Remington
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Emily Caroline Cunningham
Electronic Notice

Jesse Robert Schworck
Electronic Notice

Jesse Schworck
835 Norman Dr.
Stoughton, WI 53589

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

2023AP959

Vera Amondi Okello v. Jesse Robert Schworck
(L.C. # 2019FA 1039)

Before Blanchard, Kloppenburg, 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 an order of the circuit court entered on March 31, 2023, denying two motions that he pursued: one to vacate the judgment of divorce and the other to reinstate a separate paternity action. Schworck also appeals a circuit court order denying reconsideration of its March 31, 2023 order. 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).¹ We summarily affirm.

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

The history of the family law proceedings and related cases involving Schworck and the respondent, Vera Okello, are well documented in prior opinions and orders of this court.² We will not repeat the factual or procedural history here except as necessary to address the issues raised in this particular appeal.

On November 25, 2020, the circuit court entered a judgment of divorce following a contested trial. Schworck moved to vacate the judgment of divorce pursuant to WIS. STAT. § 806.07, among other relief sought. The circuit court held a hearing on the motion at which Schworck gave sworn testimony. The court acknowledged that Schworck had obtained an order from a tribunal in Kenya annulling his marriage to Okello. The court concluded at the hearing that Schworck had not made a sufficient showing that he was entitled to relief under § 806.07, and ruled orally that the court's prior orders remained in effect. The court entered a written order on March 31, 2023, denying Schworck's motion to vacate the judgment of divorce. The order further stated that the court lacked authority to take up a separate paternity action that Schworck had filed. Schworck filed a motion for reconsideration, which the court denied. Schworck appeals the March 31, 2023 order and the order denying reconsideration.

On appeal, Schworck argues that the circuit court should have deferred to the order by the Kenyan tribunal and vacated the judgment of divorce entered on November 25, 2020. We conclude that Schworck is foreclosed by the doctrine of issue preclusion from relitigating this issue in this case because the issue was resolved in a prior case. *See Flooring Brokers, Inc. v. Florstar Sales, Inc.*, 2010 WI App 40, ¶6, 324 Wis. 2d 196, 781 N.W.2d 248 (parties may not

² See e.g., *Schworck v. Okello*, No. 2023AP859, unpublished op. and order (WI App June 5, 2025); *Okello v. Schworck*, No. 2024AP82, unpublished slip op. (WI App Dec. 5, 2024); *Schworck v. Circuit Ct. for Dane Cnty.*, No. 2022AP1651-W, unpublished op. and order (WI App Oct. 3, 2022).

relitigate in a subsequent action an issue of law or fact that has been actually litigated and decided in a prior action and reduced to judgment). In the prior case, the Hon. Valerie Bailey-Rihn issued an order on May 18, 2021, denying Schworck’s request to vacate the judgment of divorce. We discussed the circuit court’s May 18, 2021 order in our opinion and order issued in *Schworck v. Circuit Court for Dane County*, No. 2022AP1651-W, unpublished op. and order (WI App Oct. 3, 2022). This court stated in pertinent part:

On May 18, 2021, the circuit court, Judge Valerie Bailey-Rihn presiding, issued an order dismissing the two new family law actions initiated after the judgment of divorce was issued. The order explained that Schworck was seeking to void the divorce judgment based on the Kenyan order and to relitigate issues of custody and placement. The order stated that the Kenyan order had no effect on the parties’ marriage because the parties were domiciled in Wisconsin at the time it was obtained. *See* WIS. STAT. § 767.055(1) (“A divorce obtained in another jurisdiction is of no force or effect in this state if ... both parties to the marriage were domiciled in this state at the time the ... divorce [action] was commenced.”). The order also stated that custody and placement had been fully litigated in the Dane County divorce case. The order barred Schworck from commencing any new actions based on the Kenyan order. It directed the clerk of the circuit court to “reject any further filings seeking to register the Kenyan order as a foreign judgment or otherwise related to the Kenyan order.”

This excerpt demonstrates that the issue of whether to vacate the judgment of divorce based on the existence of the Kenyan tribunal’s order was already litigated by the parties and decided in the prior case. Schworck is therefore foreclosed from relitigating the issue in this case. *See Flooring Brokers, Inc.*, 324 Wis. 2d 196, ¶6.

Schworck also argues that the circuit court erred when it denied his request to reinstate a separate paternity action that was dismissed by a court commissioner on the same day it was filed. The court commissioner’s order states, in pertinent 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.

In the respondent's brief, Okello asserts that Schworck does not cite any authority to support an argument that the circuit court in this case, the Hon. Frank Remington presiding, was required to reinstate the paternity action here. We agree with Okello that Schwork has failed to support his argument with references to relevant legal authority, and we reject the argument on that basis. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court need not consider undeveloped legal arguments).

In the conclusion section of the respondent's brief, Okello requests that this court grant her motion for frivolous filings. However, Okello did not file a separate motion for frivolous costs in this appeal, and we lack authority to order sanctions absent such a motion. *See* WIS. STAT. RULE 809.25(3).

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

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

Samuel A. Christensen
Clerk of Court of Appeals