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Supreme Court of Wisconsin

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FILED

06-18-2024

CLERK OF WISCONSIN

SUPREME COURT

June 18, 2024

To:

Anthony Frank Kapalczynski
1214 S. 76th St.
West Allis, WI 53214

Bonnie Mae Krause-Kapalczynski
S13W31899 Glacier Pass
Delafield, WI 53018

*Attachment on Pages 2-4

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

No. 2024AP784-OA Krause-Kapalczynski v. Kapalczynski

A petition to commence an original action having been filed by Bonnie Mae Krause-Kapalczynski, pro se, and the court having considered that petition under Wis. Stat. (Rule) 809.70;

IT IS ORDERED that the petition and all requests contained therein are denied, ex parte; and

IT IS FURTHER ORDERED that the court hereby imposes filing restrictions on Ms. Krause-Kapalczynski, as detailed in the attachment to this order, and for the reasons stated in that attachment.

Samuel A. Christensen
Clerk of Supreme Court

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ATTACHMENT

Filing Restrictions

The court imposes the following filing restrictions as a result of Bonnie Mae Krause-Kapalczynski's abusive filing practices as detailed below.

Since August 2023, Ms. Krause-Kapalczynski has filed the following 16 matters in the Wisconsin appellate court system:

Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024XX146
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP877
Bonnie Mae Krause-Kapalczynski v. Anthony Frank Kapalczynski, 2024AP784-OA
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP513
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP424
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP423
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP363
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP289
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP57
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2024AP15
Bonnie Mae Krause-Kapalczynski v. Circuit Court of Waukesha County, 2023AP2357-W
Bonnie Mae Krause-Kapalczynski v. Court of Appeals, District II, 2023AP2214-W
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2023AP1898
Bonnie Mae Krause-Kapalczynski v. Circuit Court of Waukesha County, 2023AP1744-W
Bonnie Mae Krause-Kapalczynski v. Circuit Court of Waukesha County, 2023AP1743-W
Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, 2023AP1508

All of these matters relate to Ms. Krause-Kapalczynski's divorce case in Waukesha County Circuit Court—Anthony Frank Kapalczynski v. Bonnie Mae Krause-Kapalczynski, Waukesha County Case No. 22-FA-1005 (hereafter, the "divorce case").

Of the above-listed 16 matters, Ms. Krause-Kapalczynski commenced one of them directly in this court. See 2024AP784-OA (original action petition). She commenced the other matters in the court of appeals. In many of the matters commenced in the court of appeals, Ms. Krause-Kapalczynski has repeatedly attempted to litigate the matter prematurely in this court, through documents filed in this court before the proper invocation of this court's jurisdiction. Ms. Krause-Kapalczynski has also demonstrated a tendency to file seriatim pleadings and motions that demand implausible relief. See, e.g., 2023AP1898, October 30, 2023 “Motion for an Order of Certification from the Wisconsin Supreme Court, 2nd District to the United States Supreme Court of Appeals of Wisconsin Eastern District”; November 3, 2023 “Motion to Invoke the ‘Doctrine of Necessity’ -and- for an Order of Certification En Banc from the Wisconsin Supreme Court, 2nd District to the United States Court of Appeals, Eastern District”; November 6, 2023 “Motion for an Emergency In-Camera Inspection by the Courts of Respondent-Appellant (Wife) Cell-Phone to Demonstrate to the Lower Court Perjury Upon the Courts by the Opposing Counsel and Petitioner-

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Appellant (Husband)”; January 23, 2024 “Encroachment of Respondent-Appellant’s (Wife) Constitutional Rights Writ of Error Petition and Mandamus in Instanter for Protection of Life, Property and Safety -and- SCR Chapter 60, Code of Judicial Conduct Violation(s) Causing a Ripple Effect Causing Irreparable Harm and Injury to Appellant -and- SCR, Chapter 20 Lawyer Professional Standards Rule Violations”; March 25, 2024 identically titled filing. Her filings often fail to comply even minimally with the Rules of Appellate Procedure. Since August 2023, this court has issued 41 orders addressing Ms. Krause-Kapalczynski's many filings in this court.

This court has explicitly warned Ms. Krause-Kapalczynski about the need for clarity and appellate rule compliance in her filings. See 2023AP2214-W and 2023AP2357-W, April 16, 2024 orders (stating that "Ms. Krause-Kapalczynski is warned that her filings in this matter have been so lacking in clarity and compliance with the Rules of Appellate Procedure that it may soon become necessary to impose restrictions on her ability to pursue further pro se proceedings in this court"); see also 2023AP1898, April 19, 2024 order (reminding Ms. Krause-Kapalczynski of this warning).

These warnings have not had an appreciable effect on the number or quality of Ms. Krause-Kapalczynski's filings. Her response to these warnings has been to file an original action petition in 2024AP784-OA; a 109-page "Application to Extend Time to File Petition for Review with the Wisconsin Supreme Court -and- Request for Leave and Continuance until the Waukesha Circuit Court and Wisconsin Court of Appeals provides the Entire Record 'True' of Each Case No. on a USB with an Index # and to Provide Sufficient to Time to Prepare a Defense" in two cases (2024AP784-OA and 2024AP877); a "Petition for Review and Motion to Reargue & Relief from Judgment and Orders" in four separate cases (2023AP1898, 2023AP2214-W, 2023AP2357-W, and 2024AP15); oversized petitions for review in 2023AP1898; a letter requesting reconsideration in 2023AP1898; and a letter requesting a status update and a "combined Order . . . for appeal to the U.S. Court of Appeals, 7th District" in 14 of her cases. Filings such as these convince the court that Ms. Krause-Kapalczynski will not be deterred by additional warnings to cease her improper litigation practices.

Courts have the inherent power to regulate the activities of abusive litigants through the imposition of filing restrictions. See Minniecheske v. Griesbach, 161 Wis. 2d 743, 748 N.W.2d 760, 762 (Ct. App. 1991). The time has come to do so here. This court will not allow Ms. Krause-Kapalczynski to continue to consume such a disproportionate amount of the court's resources at the expense of other litigants with potentially meritorious claims. The court will therefore impose the following filing restrictions.

To file documents in this court in the above-listed matters and in any future civil matters related to her divorce case, Ms. Krause-Kapalczynski must either: (1) be represented by a Wisconsin-licensed attorney; or (2) obtain leave of this court to file a pro se document. To request leave to file a pro se document, Ms. Krause-Kapalczynski must submit to the clerk of this court, by mail or hand delivery, a motion titled "motion for leave to file a pro se document." The caption of the motion must bear a single case number and must request leave to file a pro se document in that specific case only. The motion must attach all of the following documents:

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1. A copy of this order.
2. A copy of the pro se document sought to be filed.
3. A properly notarized affidavit that describes, with particularity, how the pro se document sought to be filed entitles Ms. Krause-Kapalczynski to an available form of legal relief that this court can provide. The affidavit must also certify, to the best of Ms. Krause-Kapalczynski's knowledge, that the pro se document sought to be filed is not merely duplicative of matters already litigated or currently pending; is not legally frivolous; does not contain inflammatory or disparaging language; and complies with the Rules of Appellate Procedure.

The clerk of this court shall create and maintain a miscellaneous file with the general title "In re Bonnie Mae Krause-Kapalczynski." The file shall be assigned an "XX" case number. The miscellaneous file shall serve as the repository of this order, all motions for leave file a pro se document that comply with this order but are denied by the court, and any order entered pursuant to this order. The clerk shall also maintain a docket associated with the miscellaneous file.

If Ms. Krause-Kapalczynski submits a motion for leave to file a pro se document that does not fully comply with this order, the clerk shall return the submission to Ms. Krause-Kapalczynski unfiled.

As to any motion for leave to file a pro se document that fully complies with this order, the court will deny the motion if the pro se document sought to be filed is merely duplicative of matters already litigated or currently pending, legally frivolous, contains inflammatory or disparaging language, or does not comply with the Rules of Appellate Procedure. The clerk shall retain any such denial order and a copy of the motion in the miscellaneous file and cause a copy of the order to be mailed to Ms. Krause-Kapalczynski. If the court grants the motion, the clerk shall enter the motion, grant order, and pro se document in the single case number that must appear in the caption of the motion. The clerk shall also retain a copy of the grant order in the miscellaneous file and cause a copy of the order to be mailed to Ms. Krause-Kapalczynski.