STATE OF WISCONSIN
SUPREME COURT

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CLERK OF SUPREME COURT
OF WISCONSIN

Appeal No. 2016AP280
Circuit Court Case No. 14CV375

WARREN SLOCUM,

Plaintiff-Appellant,

vs.

STAR PRAIRIE TOWNSHIP BOARD
AND BOARD OF REVIEW,

Defendant-Respondent.

RESPONSE OF DEFENDANT-RESPONDENT TO PLAINTIFF-APPELLANT'S PETITION FOR REVIEW

Appeal From February 28, 2017, Decision
of Court of Appeals
Affirming Judgment of Trial Court

Appeal From Judgment Entered January 11, 2016,
in the Circuit Court for St. Croix County,
The Honorable Edward F. Vlack, Presiding

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ARGUMENT

The following is the response of Star Prairie Township, Board and Board of Review ["Star Prairie"] to the Rule 809.62 Petition for Review filed by Warren Slocum ["Slocum"] from the Court of Appeals' February 28, 2017, Summary Disposition of his appeal in accord with Rules 809.21 and 809.83(2).

In its decision, the Court of Appeals states:

> Despite prior admonitions from this court against further frivolous filings or rule violations, Slocum has chosen to continue his crusade of endless litigation and abuse of process regarding his tax assessments. ... In case No. 2015AP1287, we admonished Slocum that "further frivolous filings or rules violations may result in sanctions, including limiting further filings. ..."

The Court of Appeals concludes that his appeal was frivolous and ordered sanctions to be imposed for that reason alone.

Star Prairie urges upon this Court that his case lacks any merit whatsoever for consideration under his Petition. At no point in his Petition does he deal with, explain, or attempt to convince this Court as to why the Court of Appeals erred in

issuing its finding of frivolousness under Rule 809.25. Ergo, since the finding of frivolousness stands and he fails to raise of this Court even a prefatory argument in support of his Rule 809.62 Petition for Review as to just why and how the Court of Appeals was in error in arriving at this finding, he has waived such argument and his Petition should be summarily denied in accord with Rules 809.21 and 809.83(2).

Under Rule 809.62(1r), Slocum is required to articulate and argue why specified criteria support his Petition for Review. Upon of review of his Petition, the criteria under Rule 809.62(1r)(a), (c), (d), and (e) are not even hinted at as having application. Indeed, it could be argued that contrary to Rule 809.62(1r)(c)3., his Petition reveals that his is a proposed review based primarily on fact and not on the law and, thus, is ineligible for review.

As for the criterion under Rule 809.62(1r)(b), although Slocum appears to contend that this applies, he fails woefully to

direct this Court's attention to legal principles in support of his contention.[1]

Slocum states his issue to be:

> ...the lower courts' unwillingness to give proper attention and adherence to the well-established judicial procedures for cases such as this. Each lower court ignored the evidence in this case, and contrived mistaken justifications for dismissing it. [p. 4]

He then rambles on upon a variety of asserted and often unrelated grievances. Perhaps the only focus of his argument in support of review is that he contends that the lower courts misconstrued his action as being focused on property taxes. However, even assuming for purposes of argument that this is true, it was his responsibility as a litigant to convince them of this point. He did not. And now is not the time to rehash arguments from below. The question is simply whether his Petition meets the criteria for review.

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[1]It should be noted that although he cites Rule 809.62(1r)(b), he baldly states the grounds under (1r)(c) to the effect that he claims that a decision of this Court will "develop, clarify and harmonize the law." Yet, at that, he fails to articulate what in the underlying opinion evinces such grounds for seeking review – whether under (1r)(b) or (1r)(c).

He contends that the decision sought to be reviewed is in conflict "with other Superior Court decisions..." [p. 11] but fails to identify how and with what specific decisions this error exists. For the most part, he argues facts, not the law. But the bottom line remains, whether concerning fact or law contentions, he fails to identify to the Court's attention exactly with what case law or statutes the Court of Appeals decision is in conflict with or just how and why this Court needs to take on this review to develop, clarify, or harmonize the law. In its decision, the Court of Appeals notes that it is not its function to take additional evidence, nor does it undertake review of multi-page documents in the record without specific reference to relevant passages. It states:

> Much of Slocum's briefing is also devoid of legitimate legal analysis and appropriate standards of review. It also includes arguments and contentions presented in an incoherent and highly disjointed manner. His arguments are also largely unsupported by citation to pertinent legal authority. [p. 3, Court of Appeals decision]

The same may be said of his attempt to comply with Rule 809.62(1r) in formulating reasons why this Court should take this matter under review.

Finally, Slocum's approach to seeking review of his case is to engage in more name calling and more denigration of the integrity of Wisconsin's judicial system. Repeatedly throughout his Petition he castigates without cause and mocks the authority of and legal acumen of the Circuit Court and Court of Appeals. [*see* Slocum Petition, pp. 1, 2, 4, 5, 6, 9, 12, 15 and 17]. This is uncalled for and is a representation of the little respect Mr. Slocum has for the Courts that have been called upon by him to resolve issues that he inarticulately and often frivolously advances.

SUMMARY

Because of his flagrant and egregious litigation and appellate behavior, the Court of Appeals awarded frivolous costs for his having pursued this appeal. Slocum has failed in his Petition to demonstrate how the Court of Appeals erred in arriving at such a finding. To support his request for review under Rule 809.62(1r), the Town argues that he must at least have demonstrated to this Court in his Petition that legal reasons exist to call into question this finding. He did not and it is argued that he has waived the right to claim that his case is not frivolous. Reiman Assocs. v. R/A Avert. Inc., 102 Wis. 2d 305, 306 n. 1 (1981). Accordingly, there is nothing to review.

Dated this 13th day of April, 2017.

WELD RILEY, S.C.

By: _____

William G. Thiel
State Bar No. 01016659
Attorneys for Defendant-Respondent

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CERTIFICATION

I certify that this brief conforms to the rules contained in s. 809.19(8)(b) and (c) for a brief produced using the following font:

☐ Monospaced font: 10 characters per inch; double spaced; 1.5 inch margin on left side and 1 inch margin on the other 3 sides. The length of this brief is 6 pages.

☒ Proportional serif font: Min. printing resolution of 200 dots per inch, 13 point body text, 11 point for quotes and footnotes, leading a min. 2 points, maximum of 60 characters per full line of body text. The length of this brief is 988 words.

Dated: April 13, 2017.

Signed,

William G. Thiel, Attorney

CERTIFICATE OF COMPLIANCE WITH RULE 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this Brief of Defendant-Respondent, excluding the appendix, if any, which complies with the requirements of §80.19(12), Wis. Stats. I further certify that:

This electronic Brief of Defendant-Respondent is identical in content and format to the printed form of the Brief of Defendant-Respondent filed as of this date.

A copy of this certificate has been served with the paper copies of this Brief of Defendant-Respondent filed with the Court and served on all opposing parties.

Dated this 13th day of April, 2017.

WELD RILEY, S.C.

By: _____

William G. Thiel
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CERTIFICATE OF SERVICE

I certify that, pursuant to §§809.80 and 809.18, Wis. Stats., that the Response of Defendant-Respondent to Plaintiff-Appellant's Petition for Review was mailed by first class mail to the Clerk of the Supreme Court on April 13, 2017, and by first class mail to:

Warren Slocum
2220 - 122nd Street
New Richmond WI 54017

Dated this 13th day of April, 2017.

WELD RILEY, S.C.

By: Diane Benson
Diane Benson, Legal Assistant

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