

**COURT OF APPEALS
DECISION
DATED AND FILED**

July 20, 2006

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2005AP883

Cir. Ct. No. 1995FA420

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

IN RE THE MARRIAGE OF:

SYNTHIA O'GRADY,

PETITIONER-RESPONDENT,

V.

MICHAEL S. O'GRADY,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Marathon County:
JAMES R. HABECK, Judge. *Affirmed.*

Before Vergeront, Deininger and Higginbotham, JJ.

¶1 PER CURIAM. Michael O'Grady appeals orders that: (1) denied his motion to change custody and placement; (2) adjusted child support arrears; (3)

approved a tax intercept; and (4) denied his motion for sanctions against the Deputy Corporation Counsel for Marathon County. We affirm.

¶2 O’Grady first argues that the circuit court erred because it considered three separate and distinct issues at one motion hearing held March 10, 2005. It is neither legal error, however, nor an erroneous exercise of discretion for the circuit court to address several issues at a single court proceeding. O’Grady also complains that the circuit court did not allow him to talk during the hearing, at which he represented himself. The hearing transcript, however, shows that O’Grady was given ample opportunity to talk at the hearing, and we therefore reject this claim.

¶3 O’Grady next contends the circuit court misused its discretion in denying his motion to transfer physical placement and custody of the parties’ children to him. The circuit court properly denied the motion because O’Grady did not show there had been a substantial change of circumstances since the last order, which is a threshold requirement. *See* WIS. STAT. § 767.325(1)(b)1. (2003-04).¹ O’Grady contends his latest motion was sufficient because he had previously filed a motion to transfer custody and primary physical placement in March 2003, and this motion was a continuation of the prior motion. We note, however, that the circuit court held a hearing on placement issues on December 28, 2004, effectively disposing of O’Grady’s prior motion. Therefore, the circuit court properly treated the present motion as a new motion to modify placement and custody.

¹ All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

¶4 O’Grady also challenges: (1) the admission of an exhibit at a hearing held March 10, 2005, on hearsay grounds; (2) the circuit court’s alleged failure to issue a decision on his motion for summary judgment dated April 7, 2005; (3) the circuit court’s alleged failure to issue a ruling or decision on his “notice of objection” dated April 7, 2005. O’Grady does not present any coherent legal argument to support these claims. We therefore do not consider them further. See *Roehl v. American Family Mut. Ins. Co.*, 222 Wis. 2d 136, 149, 585 N.W.2d 893 (Ct. App. 1998) (we may decline to address issues that are not adequately briefed).

¶5 O’Grady challenges the circuit court’s order of March 21, 2005, that a different circuit court judge was not required to respond to interrogatories O’Grady had served on him because that judge was not a party to the case. The court did not err in entering the March 21st order. O’Grady also challenges the circuit court’s protective order directing that O’Grady provide all future interrogatories to the court for approval before serving them. We cannot conclude the order in question represents an erroneous exercise of discretion given O’Grady’s litigation tactics as disclosed in the record.

¶6 O’Grady next argues that the circuit court engaged in improper ex parte communications regarding this case when it sent a letter to the Clerk of Circuit Court seeking information and when it received a letter from the Court Services Supervisor for Marathon County. An ex parte communication is a communication that is improper because it involves only one party in the case. The Clerk of Court and the Court Services Supervisor are not parties to this case. The circuit court’s communications with them were not ex parte communications.

¶7 Finally, O’Grady argues that the circuit court erred in denying his motion to transfer venue and that the court erroneously exercised its discretion in denying his motion to terminate child support because it did not give him adequate opportunity to be heard. O’Grady provides neither legal authority nor citations to the record in support of these claims. Therefore, we do not consider these arguments further. *See Roehl*, 222 Wis. 2d at 149.

By the Court.—Orders affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

