

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

April 18, 2001

Cornelia G. Clark  
Clerk, Court of Appeals  
of Wisconsin

**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.

**No. 00-3321**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT II**

---

**TOWN OF RICHFIELD,**

**PLAINTIFF-APPELLANT,**

**v.**

**JAMES H. LEWIS,**

**DEFENDANT-RESPONDENT.**

---

APPEAL from an order of the circuit court for Washington County:  
PATRICK J. FARAGHER, Judge. *Reversed and cause remanded.*

¶1 NETTESHEIM, J.<sup>1</sup> The Town of Richfield appeals from a circuit court order dismissing two municipal citations alleging zoning violations against James H. Lewis. Lewis defended on the basis of legal nonconforming use. At the

---

<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (1999-2000). All references to the Wisconsin Statutes are to the 1999-2000 version.

close of the evidence, the court dismissed the citations because the Town had failed to prove that the structures in question were built after the enactment of the zoning ordinance. The Town appeals this ruling.

¶2 After Lewis failed to timely file a respondent's brief, we warned him in an order dated March 6, 2001, that we might summarily reverse the circuit court order if he did not file a respondent's brief or seek a time limit extension based on a showing of good cause within five days of the order. Lewis did not respond to that order. Therefore, we directed in a further order dated April 2, 2001, that we would decide this case without a respondent's brief.

¶3 WISCONSIN STAT. § 809.83(2) provides that a failure to comply with the rules of appellate procedure can be grounds for summary reversal. We invoke this rule against Lewis and his counsel of record, Judith Pinchar. We reverse and remand this matter to the circuit court for further proceedings not inconsistent with this opinion.

*By the Court.*—Order reversed and cause remanded.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

