

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 8, 2011

A. John Voelker
Acting 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. 2010AP1672

Cir. Ct. No. 2009CV221

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

CATHY CMELO,

PETITIONER-RESPONDENT,

V.

PATRICIA DONOVAN,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Kewaunee County:
DENNIS J. MLEZIVA, Judge. *Affirmed.*

Before Hoover, P.J., Peterson and Brunner, JJ.

¶1 PER CURIAM. Patricia Donovan, pro se, appeals a circuit court order affirming a harassment injunction entered against her by a family court commissioner. Donovan argues the circuit court erred by failing to hold an evidentiary hearing on the issue of personal jurisdiction and by ignoring

Wisconsin law on evidentiary requirements in Internet cases. We conclude Donovan has forfeited her right to challenge the circuit court's personal jurisdiction, and her Internet law argument is undeveloped. We therefore affirm.

¶2 Cathy Cmelo filed a petition for temporary restraining order and injunction against Donovan on November 11, 2009. Cmelo and Donovan were acquainted through an Internet chat room, but had never met in person. Cmelo is a Wisconsin resident, and Donovan resides in New Hampshire. Cmelo's petition alleged Donovan harassed and threatened her through chat room postings. Cmelo also alleged Donovan posted personal information about Cmelo on the Internet and falsely reported to police that Cmelo was harassing Donovan's relatives. The court commissioner granted a temporary restraining order and scheduled an injunction hearing. The temporary restraining order and hearing notice were personally served on Donovan at her residence. Donovan failed to appear at the hearing, and the commissioner entered a four-year injunction prohibiting her from harassing Cmelo.

¶3 Donovan requested circuit court review of the commissioner's decision. On April 19, 2010, the circuit court held a hearing, during which both Cmelo and Donovan presented evidence. The court issued a written decision affirming the harassment injunction. Donovan now appeals.

¶4 Donovan first argues the circuit court erred by failing to hold an evidentiary hearing to determine whether it could exercise personal jurisdiction over her. She cites WIS. STAT. § 801.08(1),¹ which provides: "All issues of fact

¹ All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

and law raised by an objection to the court’s jurisdiction over the person ... shall be heard by the court without a jury in advance of any issue going to the merits of the case.” In response, Cmelo asserts that Donovan forfeited her objection to personal jurisdiction by failing to raise it in a timely fashion. Cmelo argues, “The issue of personal jurisdiction was not raised until after [Donovan] had answered, been found in default, and again objected, requesting a de novo hearing, in which she later participated. If the issue of lack of [personal] jurisdiction is not raised at the onset, it is deemed waived.” See *Artis-Wergin v. Artis-Wergin*, 151 Wis. 2d 445, 453, 444 N.W.2d 750 (Ct. App. 1989). By failing to reply to this argument, Donovan concedes that she has forfeited her right to challenge personal jurisdiction. See *Charolais Breeding Ranches, Ltd. v. FPC Secs. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (arguments not refuted are deemed admitted).

¶5 Donovan next contends the circuit court “ignored Wisconsin Internet laws and Wisconsin Supreme Court rulings on evidentiary requirements in Internet cases[.]” Donovan does not present a developed argument as to how the circuit court either ignored or misapplied the relevant law. We therefore decline to address this issue. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

By the Court.—Order affirmed.

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

