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DISTRICT II

November 20, 2013

To:

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

2011AP2595	Anne C. Hepperla v. John D. Puchner (L.C. # 2011CV2739)
2012AP942	John D. Puchner v. Anne C. Hepperla (L.C. # 1997CV1049 and 1997CV1059)
2012AP943	Anne C. Hepperla v. John D. Puchner (L.C. # 1998CV1578)

Before Brown, C.J., Neubauer, P.J., and Gundrum, J.

In appeal no. 2011AP2595, John Puchner appeals *pro se* from an October 21, 2011 judgment. In appeal nos. 2012AP942 and 2012AP943, Puchner appeals *pro se* from circuit court orders dated October 24, 2011 and November 8, 2011.¹ We consolidated these appeals for briefing and disposition. Based upon our review of the briefs and record, we conclude at

¹ Our November 12, 2012 order clarified the scope of this appeal.

conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2011-12).² We affirm.

These appeals arise from the lengthy disputes between Puchner and his former wife, Anne Hepperla, over Puchner's unpaid child support and unpaid attorney's fees and costs for frivolous proceedings commenced by Puchner against Hepperla.

Appeal no. 2011AP2595 arises from Hepperla's WIS. STAT. § 806.23³ action on two May 1, 2001 judgments she holds against Puchner for attorney's fees and costs for frivolous actions. After a hearing at which Puchner and his counsel appeared, the circuit court entered an order on July 15, 2011 granting Hepperla's motion to bring her § 806.23 action. Puchner never answered Hepperla's § 806.23 complaint, and Hepperla sought a default judgment. The circuit court granted default judgment to Hepperla on October 21, 2011. The court also denied Puchner's motions to recuse the circuit court judge, transfer the matters to Milwaukee County and purge electronic circuit court records that he claimed hindered his ability to locate employment. On November 8, the circuit court denied Puchner's motion to reconsider the July 15 order.

² All subsequent references to the Wisconsin Statutes are to the 2011-12 version.

³ When a judgment becomes unenforceable due to the passage of time, "a judgment creditor may file an 'action on the judgment' to obtain a new, enforceable judgment." *Chase Lumber & Fuel Co. v. Chase*, 228 Wis. 2d 179, 200-01, 596 N.W.2d 840 (Ct. App. 1999). A circuit court must grant leave to commence such an action. WIS. STAT. § 806.23. The circuit court's July 15, 2011 order granted leave to Hepperla. We determined in a November 12, 2012 order that because Puchner did not timely appeal from the July 15 order, that order is outside the scope of this appeal.

Appeal nos. 2012AP942 and 2012AP943 arise from circuit court orders denying Puchner's requests to reconsider the July 15, 2011 order in the circuit court cases in which Hepperla holds unsatisfied May 1, 2001 judgments. Puchner also sought to transfer these cases to Milwaukee County and to purge electronic records. The circuit court denied these motions in orders dated October 24 and November 8, 2011.

All pending matters were heard at the October 21, 2011 hearing. The circuit court first addressed Puchner's request that the circuit court judge recuse himself due to bias. The circuit court concluded that recusal was not necessary. Puchner asked the circuit court to transfer the matters to Milwaukee County due to bias. The circuit court denied the motion because a litigant's lack of success is not attributable to bias as long as the ruling is in accord with the facts and the law. The circuit court declined to reopen proceedings between the parties dating back to 1998. The circuit court found that Puchner did not substantiate with evidence his claims of indigency or that he paid some or all of the unsatisfied judgments. The circuit court declined to reconsider the July 15 order because Puchner raised nothing new in relation to what was decided at the time the circuit court entered that order. The circuit court also denied Puchner's motion to purge electronic court records because the request was unsupported by a legal basis, which Puchner conceded at the hearing. The circuit court also declined to adjourn the proceedings because Puchner had notice of the October 21 hearing.

The circuit court granted Hepperla's motion for a default judgment because Puchner never answered her WIS. STAT. § 806.23 complaint, he sought an extension to answer without offering sufficient grounds, Puchner was in default, and Puchner did not offer a credible defense to Hepperla's § 806.23 action. Puchner appeals.

On appeal, Puchner claims that he was not served with Hepperla's filings and had no notice of the October 21 hearing. The record does not support Puchner's claim. The record contains an affidavit of service for Hepperla's WIS. STAT. § 806.23 complaint. Puchner had notice of the October 21 hearing because Hepperla's motion for default judgment set out the October 21 hearing date. Puchner's motions to transfer cases to Milwaukee County and purge electronic records were dated October 18 and requested relief at the October 21 hearing. Puchner appeared at the October 21 hearing. Clearly, the circuit court did not find Puchner credible when he claimed that he was not served with Hepperla's default judgment motion or lacked notice of the October 21 hearing. That credibility determination was for the circuit court to make. *State v. Peppertree Resort Villas, Inc.*, 2002 WI App 207, ¶19, 257 Wis. 2d 421, 651 N.W.2d 345.

Puchner argues that the circuit court judge was biased. However, that argument is insufficiently developed to permit review by this court. Furthermore, Puchner cites no law in support of his claim. We need not consider "amorphous and insufficiently developed" arguments. *Barakat v. DHSS*, 191 Wis. 2d. 769, 786, 530 N.W.2d 392 (Ct. App. 1995).

All of Puchner's other arguments are either outside the scope of this appeal as determined by our November 12, 2012 order or deemed rejected. *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978) ("An appellate court is not a performing bear, required to dance to each and every tune played on an appeal.").

Upon the foregoing reasons,

IT IS ORDERED that the orders and judgment of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals