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DISTRICT IV

December 11, 2013

To:

Hon. Elliott M. Levine
Circuit Court Judge
La Crosse County Courthouse
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La Crosse, WI 54601

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

2013AP194 In re the attorney fees in In the matter of the guardianship and protective placement of Lavonne M. E.: James P. Grenisen v. La Crosse County Human Services Department (L.C. # 2008GN481)

Before Blanchard, P.J., Lundsten and Sherman, JJ.

On March 15, 2012, this court determined that James Grenisen had filed a frivolous appeal from an order finding him in contempt of court. As a result of that determination, pursuant to WIS. STAT. RULE 809.25(3), we granted the respondent, La Crosse County Human Services Department, an award of costs and attorney fees incurred in responding to the appeal. We then remanded the matter to have the circuit court make a determination as to the reasonable amount of those costs and fees.

Grenisen now appeals the circuit court's order on remand, which determined the reasonable amount of the county's costs and attorney fees on the prior appeal to have been \$1,058.09. However, Grenisen does not address the amount of award anywhere in his briefs. Instead, Grenisen has raised five new issues challenging aspects of the underlying guardianship action from which the contempt order arose. The La Crosse County Human Services Department once again moves for an award of costs and attorney fees on the grounds that the present appeal is frivolous.

The notice of appeal filed on December 17, 2012, relates solely to the circuit court's order on remand, which was entered on October 31, 2012. The notice does not mention—and would not be timely with respect to—the underlying guardianship orders from 2009. Therefore, we must once again conclude that Grenisen has filed an appeal raising issues that he reasonably should have known have no reasonable basis in law or fact. *See* WIS. STAT. RULE 809.25(3); *Larson v. Burmaster*, 2006 WI App 142, ¶45, 295 Wis. 2d 333, 720 N.W.2d 134 (citation omitted).

Accordingly,

IT IS ORDERED that the order determining the amount of costs and attorney fees owed to the county for the prior appeal is summarily affirmed on the grounds that it was frivolous.

IT IS FURTHER ORDERED that the county's motion for an additional award of costs and attorney fees is granted.

IT IS FURTHER ORDERED that this appeal is remanded to have the circuit court determine the additional amount of costs and attorney fees incurred by the county on this appeal.

Diane M. Fremgen
Clerk of Court of Appeals