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DISTRICT III

December 6, 2016

To:

Hon. Robert R. Russell
Circuit Court Judge
Lincoln County Courthouse
1110 E. Main Street
Merrill, WI 54452

Marie Peterson
Clerk of Circuit Court
Lincoln County Courthouse
1110 E. Main Street, Ste. 205
Merrill, WI 54452

Pamuela Albrecht

Debi Christie

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

2015AP2199

Pamuela Albrecht v. Debi Christie (L.C. # 2015CV193)

Before Stark, P.J., Hruz and Seidl, JJ.

Debi Christie appeals an order granting an injunction restraining her from all contact with Pamuela Albrecht.¹ Christie argues the circuit court erroneously exercised its discretion when issuing the injunction and further erred by failing to consolidate this case with the cases involving Albrecht's children. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. Because the injunction has expired, we summarily dismiss the appeal as moot. *See* WIS. STAT. RULE 809.21 (2013-14).

¹ Christie also appealed orders enjoining her from contact with Albrecht's three children. Those appeals were dismissed, however, based on Christie's failure to either pay the filing fees or submit indigency forms.

On October 1, 2015, Albrecht filed a petition requesting a temporary restraining order against Christie. The circuit court granted a temporary restraining order and scheduled a hearing for October 15, 2015. After the hearing, the circuit court granted a one-year harassment injunction from which Christie appeals.

“[A] case is moot when the decision sought by the parties cannot have any practical legal effect upon a then existing controversy.” *W.J.C. v. County of Vilas*, 124 Wis. 2d 238, 239, 369 N.W.2d 162 (Ct. App. 1985). As a matter of judicial economy, we generally decline to review a case as soon as mootness is shown, regardless when or how it is shown. *Reserve Life Ins. Co. v. La Follette*, 108 Wis. 2d 637, 643 n.4, 323 N.W.2d 173 (Ct. App. 1982). We may, however, decide moot appeals on the merits where the constitutionality of a statute is involved or where the precise situation under consideration is likely to arise again such that a definitive decision is essential to guide circuit courts. *DeLaMatter v. DeLaMatter*, 151 Wis. 2d 576, 591-92, 445 N.W.2d 676 (Ct. App. 1989). We may also review a moot appeal if the issue is one of great importance and evades review because the appellate process cannot be completed in time. *In re Shirley J.C. v. Walworth Cty.*, 172 Wis. 2d 371, 375, 493 N.W.2d 382 (Ct. App. 1992).

Here, the injunction expired October 15, 2016, and nothing this court can do on appeal will affect it. Additionally, this appeal does not present any of the factors that might persuade us that a decision on the merits is appropriate. Accordingly, we conclude the appeal is moot.

Upon the foregoing,

IT IS ORDERED that the appeal is summarily dismissed. *See* WIS. STAT. RULE 809.21
(2013-14).

Diane M. Fremgen
Clerk of Court of Appeals