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DISTRICT IV

February 8, 2017

To:

Hon. Shelley J. Gaylord
Circuit Court Judge
215 South Hamilton, Br 6, Rm 5105
Madison, WI 53703

Jennifer L. Binkley
Community Justice Inc.
214 N. Hamilton St., Suite 101
Madison, WI 53703-2178

Carlo Esqueda
Clerk of Circuit Court
215 South Hamilton, Room 1000
Madison, WI 53703

Greg Griswold

Laura Wierzbicki

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

2016AP744

Greg Griswold v. Laura Wierzbicki (L.C. # 2016CV713)

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

Greg Griswold, pro se, appeals an order of the circuit court denying a petition for a harassment injunction that he filed on behalf of his minor child. The petition sought an injunction against the child's mother, Laura Wierzbicki, with respect to treatment of the family dogs. The guardian ad litem (GAL) appointed by the circuit court for the child has filed a responsive brief. No responsive brief was filed by respondent Laura Wierzbicki. Based upon our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Griswold asserts that the circuit court erroneously exercised its discretion in denying the harassment injunction. The GAL argues that Griswold does not have standing to file this appeal on the child's behalf, and cites relevant statutory and case law in support of her argument. Griswold failed to file a reply brief responding to the GAL's argument. A proposition asserted by a respondent on appeal and not disputed by the appellant in a reply brief is taken as admitted. *See Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994). On this basis, we deem Griswold's failure to reply as an admission that he lacks standing to appeal the denial of the injunction on behalf of his minor child.

Griswold also argues on appeal that the circuit court erred when it ordered Dane County to pay a portion of the GAL fees. We note that the transcript of the motion hearing reflects that the court waived Griswold's obligation to pay any portion of the fees. Griswold fails to show that he is aggrieved in any way by the court's ruling on the fee issue and, therefore, he may not appeal it. *See Tierney v. Lacenski*, 114 Wis. 2d 298, 302, 338 N.W.2d 522 (Ct. App. 1983) (right to appeal from a judgment or order "is confined to parties aggrieved in some appreciable manner by the court action").

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals