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DISTRICT III

February 28, 2017

To:

Hon. Edward F. Vlack III
Circuit Court Judge
St. Croix County Courthouse
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Warren Slocum
2220 122nd Street
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You are hereby notified that the Court has entered the following opinion and order:

2016AP280

Warren Slocum v. Star Prairie Township Board and Board of
Review (L. C. No. 2014CV375)

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

Warren Slocum appeals a summary judgment in favor of Star Prairie Township Board and its Board of Review, together with an award of frivolous costs. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2015-16).¹ We also find the appeal frivolous and remand for further proceedings. *See* WIS. STAT. RULE 809.25(3)(c). We also bar Slocum from future Wisconsin Court of Appeals filings unless and until all sanctions

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

imposed against Slocum by the Court of Appeals awarding costs, fees, and reasonable attorney fees have been paid in full.

Despite prior admonishments from this court against further frivolous filings or rules violations, Slocum has chosen to continue his crusade of endless litigation and abuse of process regarding his tax assessments. We have previously emphasized the vast number of lawsuits Slocum filed over the years. *See, e.g., Slocum v. Star Prairie Township*, No. 2015AP1287, unpublished slip op., ¶3 & n.1 (WI App Mar. 8, 2016). We have also noted that all of Slocum’s cases center around the same basic issue—namely, that his property taxes are too high. *Id.*, slip op., ¶5. We have upheld circuit court findings that Slocum clearly engaged in the improper use of civil process to harass the Town of Star Prairie. In case No. 2015AP1287, we stated:

We are very troubled by the vast amount of public resources expended on Slocum’s matters that have occupied the court system for years. Slocum’s frivolous and extensive filings are now distressingly common. This court, as well as the circuit court, has a very high caseload, and yet great patience has been shown to Slocum in the face of his barrage of filings. We have been lenient in the face of Slocum’s pro se filings that fail to conform to the rules of appellate procedure. However, Slocum’s abuse of the judicial system has the cumulative effect of clogging the processes of the courts and placing unwarranted burdens on judges and staff, to the detriment of other litigants having meritorious and deserving claims. We will not allow Slocum’s endless filings to continue. Slocum’s abuse of the judicial process must end.

Id., slip op., ¶13.

In case No. 2015AP1287, we admonished Slocum that “further frivolous filings or rules violations may result in sanctions, including limiting further filings.” *Id.*, slip op., ¶1. One month after our decision in that case, however, Slocum filed the principal appellate brief in the present case. As in the past, Slocum once again fails to conform to the requirements of the rules of appellate practice and engages in a frivolous filing. Slocum refers to numerous purported

facts and documents not in the record on appeal. It is not the function of this court to take additional evidence, and the record may consist only of those documents that were before the fact finder. See *State ex rel. Wolf v. Town of Lisbon*, 75 Wis. 2d 152, 155-56, 248 N.W.2d 450 (1977). Slocum also cites generally to multi-page documents such as “R36” without reference to pages of the record for each statement and proposition made in his briefs. See WIS. STAT. RULES 809.19(1)(c), (d), and (e). Much of Slocum’s briefing is also devoid of legitimate legal analysis and appropriate standards of review. It also includes arguments and contentions presented in an incoherent and highly disjointed manner. His arguments are also largely unsupported by citation to pertinent legal authority. The circuit court noted that although Slocum set forth many grievances with the Town and its Board of Review, he cited many statutes irrelevant to the current proceedings. This court will not abandon its neutrality to craft viable legal arguments for litigants. See *M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988).

The circuit court in the present case specifically found Slocum’s complaint devoid of factual correlation to his claims. Slocum “simply lists off the statutes in which he believes the Town or BOR has violated, without any indication to facts or circumstances that support his conclusion.” See WIS. STAT. § 802.02(1)(a). The court reiterated that the notice pleading rule, although intended to eliminate technical requirements of pleading, nevertheless requires a plaintiff to set forth a statement of circumstances, occurrences, and events in support of the claim presented. See *Doe v. Archdiocese of Milwaukee*, 2005 WI 123, ¶36, 284 Wis. 2d 307, 700 N.W.2d 180. The court properly found Slocum’s complaint “deficient as a matter of law.” As the court emphasized, we are left to speculate even as to which year’s tax assessment Slocum

challenges in the present appeal. The relief requested in Slocum’s brief to this court is merely “to have a valid Board of Review to act on the assessment review properly.”

Moreover, the circuit court stated:

It must further be acknowledged that Mr. Slocum has provided the Court with Affidavits that were signed before the Motion for Summary Judgment was even filed. This signifies that, rather than specifically responding to the Motion for Summary Judgment, Mr. Slocum merely presented this Court with Affidavits from previous Court proceedings of which have little, if any, bearing on the issues in the present proceeding.

The circuit court properly found Slocum “has advanced arguments which are not warranted by existing law or by a non-frivolous argument due to their lack of relevance in the proceeding.” With regard to the appeal in the present case, we also find Slocum knew, or should have known, the appeal was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law. *See* WIS. STAT. RULE 809.25(3)(c)2. A frivolous appeal filed by a non-lawyer results in the same harm as if it were filed by a lawyer. Moreover, we previously found Slocum is not “an unlearned and unlettered pro se litigant.” *Slocum*, No. 2015AP1287, slip op., ¶3. Slocum has been previously admonished that he is not entitled to pursue an endless succession of frivolous and extensive filings. Slocum’s repeated egregious conduct and bad faith warrant dismissal of the present appeal. *See* WIS. STAT. RULE 809.83(2). The matter is remanded for the circuit court to determine the amount of costs, fees, and attorney fees to be awarded. *See Lucarelli v. Vilas Cty.*, 2000 WI App 157, ¶¶7-9, 238 Wis. 2d 84, 616 N.W.2d 153.

We conclude further sanctions are also warranted, as repeated cautions and admonitions have proven ineffective to cease Slocum’s vexatious and abusive conduct. *See Minniecheske v.*

Griesbach, 161 Wis. 2d 743, 748, 468 N.W.2d 760 (Ct. App. 1991). Accordingly, the clerk of this court is instructed to return unfiled any document Slocum submits relating to any matter arising from, relating to, or involving Star Prairie Township's property tax assessments of Slocum's real property, until such time as Slocum provides the clerk of this court proof that all sanctions issued by this court against Slocum awarding costs, fees, and reasonable attorney fees have been paid in full.²

Upon the foregoing,

IT IS ORDERED that the motion for frivolous costs is granted.

IT IS FURTHER ORDERED that the judgment is summarily affirmed and cause remanded for further proceedings.

IT IS FURTHER ORDERED that the clerk of this court shall return unfiled any document Slocum submits relating to any matter arising from, relating to, or involving Star Prairie Township's property tax assessments of Slocum's real property, until such time as Slocum provides the clerk of this court with proof that all sanctions issued by this court against Slocum awarding costs, fees and reasonable attorney fees have been paid in full.

Diane M. Fremgen
Clerk of Court of Appeals

² In recognition that a filing restriction must be narrowly tailored to the type of abuse, Slocum is not barred from filing documents in this court responding to any action commenced by Star Prairie Township, or any criminal proceeding commenced against him, or seeking habeas corpus relief for himself, or challenging incarceration, or petitioning the Wisconsin Supreme Court for review of this opinion.