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DISTRICT II

March 14, 2018

To:

Hon. Barbara H. Key
Circuit Court Judge
Winnebago County Courthouse
P.O. Box 2808
Oshkosh, WI 54903-2808

Melissa M. Pingel
Clerk of Circuit Court
Winnebago County Courthouse
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Kristoffer A. Pillar

Melinda Tangness

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

2017AP847

Kristoffer A. Pillar v. Melinda Tangness (L.C. #2017CV208)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Melinda Tangness appeals from an April 6, 2017 order of the circuit court which granted a harassment injunction against her. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).¹ We affirm.

On March 8, 2017, Kristoffer A. Pillar filed a petition for a temporary restraining order and harassment injunction against Tangness pursuant to WIS. STAT. § 813.125. A court

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

commissioner granted the harassment injunction on March 22, 2017. Tangness timely sought de novo review. On April 6, 2017, the circuit court held an evidentiary hearing, and thereafter granted a four-year harassment injunction prohibiting Tangness from having any contact with Pillar. Tangness argues that the evidence was not sufficient to prove harassment pursuant to § 813.125.

“To grant an injunction under WIS. STAT. § 813.125, the circuit court must find ‘reasonable grounds to believe that the respondent has [violated WIS. STAT. § 947.013].’” *Welytok v. Ziolkowski*, 2008 WI App 67, ¶23, 312 Wis. 2d 435, 752 N.W.2d 359 (quoting § 813.125(4)(a)3.) (bracketing altered). Whether or not to grant an injunction is within the sound discretion of the circuit court and our review is limited to whether that discretion was properly exercised. *Welytok*, 312 Wis. 2d 435, ¶23. We will “not overturn a discretionary determination that is demonstrably made and based upon the facts of record and the appropriate and applicable law.” *Id.*, ¶24.

A violation of WIS. STAT. § 947.013 occurs when a person “with intent to harass or intimidate another person” “[e]ngages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.” Sec. 947.013(1m)(b). Based upon the evidence from the April 6, 2017 evidentiary hearing before the circuit court, there was more than ample evidence to support the court’s finding that Tangness’ course of conduct evidenced intent to harass Pillar.

From 2014 until the hearing on April 6, 2017, Tangness, a co-employee of Pillar, engaged in repeated, unwanted contact with Pillar at his work, on his social media, and at his home (including moving from Appleton to the same apartment complex in Fond du Lac where

Pillar lived). Tangness was instructed by her employer to cease contact with Pillar. The employer eventually terminated Tangness' employment because of her continuing contact with Pillar.

Pillar filed a petition for a harassment injunction in February 2017. Although that petition was denied due to Pillar failing to provide sufficient notice to Tangness that he wanted no contact with her, the court informed Tangness at that hearing that she was on notice that Pillar wanted no contact and that she was not to contact or communicate with him. Tangness admitted that later that same day she contacted Pillar and continued to do so at least twelve additional times until Pillar brought this petition for harassment.

Given Tangness' repeated course of conduct in contacting Pillar despite repeated notices (from Pillar, her employer, and the court) that she not do so, the circuit court's exercise of discretion in granting the harassment injunction for a four-year period was clearly warranted and supported by the evidence and by WIS. STAT. § 813.125.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court granting the harassment injunction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals