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DISTRICT II

August 22, 2018

To:

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

2017AP1982

Shantel Paige Wagner v. Christopher G. Meier
(L.C. # 2017CV152)

Before Neubauer, C.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).

Christopher G. Meier appeals from a circuit court order granting a harassment injunction against him. 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.

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

Shantel Paige Magner is a nurse at a hospital in Fond du Lac. Meier was a former patient there. The two had several brief, professional interactions while Meier was receiving medical care.

In early February 2017, Meier began attempting to contact Magner. He tried finding her at work. He sent multiple messages to her personal email address. He even sent her red roses on Valentine's Day. Magner enlisted both hospital security and the police in an effort to make Meier stop. When that failed, she sought a harassment injunction.

After a hearing on the matter, the circuit court granted Magner's request for a harassment injunction. The injunction required Meier to cease or avoid harassment of Magner and avoid contact with her and her residence. This appeal follows.

On appeal, Meier contends that the circuit court erred in granting the harassment injunction against him. He insists that his repeated attempts to contact Magner were intended for a legitimate purpose, i.e., to inquire about a potential violation of the Health Insurance Portability and Accountability Act (HIPAA). As such, they cannot constitute harassment.

A circuit court may issue a harassment injunction if it "finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner." WIS. STAT. § 813.125(4)(a)3. Harassment is defined, in relevant part, as "[e]ngaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose." Sec. 813.125(1)(am)2.

Whether conduct was intended to serve a legitimate purpose is a determination left to the fact finder, taking into account all the facts and circumstances. *Welytok v. Ziolkowski*, 2008 WI

App 67, ¶30, 312 Wis. 2d 435, 752 N.W.2d 359. We will not upset such a determination unless it is clearly erroneous. *Id.*, ¶31.

Here, the circuit court did not believe that Meier’s conduct towards Magner was intended for a legitimate purpose. That determination is not clearly erroneous. As noted by Magner, Meier never explained a valid HIPAA concern or why Magner alone would have knowledge of one. The roses Meier sent Magner did not reference the matter. Nor did his multiples emails, which contained bizarre references to feelings, unidentified contact, a desire to know Magner’s feelings, and requests not to call the police. The circuit court saw through Meier’s attempts to manufacture a legitimate purpose for his conduct towards Magner, and we accept its conclusion. Accordingly, we affirm.²

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court 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

² In his reply brief, Meier raises an additional challenge to the language of the harassment injunction. We do not address that argument. *See State v. Mata*, 230 Wis. 2d 567, 576 n.4, 602 N.W.2d 158 (Ct. App. 1999) (court will not address issues raised for the first time in a reply brief).