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**DISTRICT II**

July 3, 2019

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

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2018AP1390

HSBC Bank USA, N.A. v. Roger Rinaldi (L.C. #2017CV473)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

**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).**

Wendy A. Nora appeals from a judgment and an order of the circuit court denying her motion to intervene as a matter of right. 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 (2017-18).<sup>1</sup> We affirm.

Nora sought to intervene in a years-long foreclosure action HSBC Bank USA, N.A., filed against Roger and Desa Rinaldi, Nora’s former clients. Whether to allow or deny intervention as of right is a question of law an appellate court reviews de novo. *Helgeland v. Wisconsin Municipalities*, 2008 WI 9, ¶41, 307 Wis. 2d 1, 745 N.W.2d 1. To succeed on a motion to intervene, the movant must show, among other things, that the existing parties do not adequately represent the movant’s interest. *See* WIS. STAT. § 803.09(1); *Helgeland*, 307 Wis. 2d 1, ¶38. If the movant’s interest is the same as one of the existing parties, “such similarity will weigh against the potential intervener.” *Helgeland*, 307 Wis. 2d 1, ¶86.

Nora argues that not only does she have distinguishable interests from the Rinaldis, but that her interest in the foreclosed property is superior to theirs. She fails to develop genuine legal arguments for either proposition, however. In fact, as the Rinaldis’ former lawyer, Nora’s recently secured mortgage on their house is an interest identical to theirs. She has not come close to meeting her burden to show that the Rinaldis do not adequately represent her interest.

Nora’s additional claim that her due process right to be heard was violated is undeveloped. We therefore are not bound to address it. *Clean Wis., Inc. v. PSC*, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768. Beyond that, it is wrong. She was escorted from

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

the courtroom when, while in the gallery and not appearing as the Rinaldis' attorney, she defied a court order to be seated and refrain from talking. She had, and exercised, a meaningful opportunity to be heard via the brief and supplemental brief that she filed. A court need not grant oral argument to satisfy a person's due process right to be heard in a meaningful manner. *State ex rel. Sahagian v. Young*, 141 Wis. 2d 495, 501, 415 N.W.2d 568 (Ct. App. 1987).

The circuit court concluded that the Rinaldis and Nora had the same ultimate objective—defeating HSBC Bank's foreclosure action. We agree. Accordingly, Nora had no right to intervene under WIS. STAT. § 803.09(1) or *Helgeland*.

Finally, we echo the circuit court's comment that Nora's recording a personal mortgage on the subject property just after the suspension of her law license so as to stay involved in the case "appears to be an end run" around the suspension of her license. We cannot countenance such tactics. We remind Nora that she has been repeatedly warned and sanctioned for making vexatious and meritless filings. The court's patience is running thin.

Costs denied to both parties.

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*