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DISTRICT III

October 14, 2020

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

2019AP919

John Donald Adamski v. Jack C. Knaus
(L. C. No. 2005CV369)

Before Seidl, J.¹

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).

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Jack Knaus, pro se, appeals from an order denying his motion to find John and Cindy Adamski in contempt of court. Based upon our review of Knaus's brief-in-chief and the record,² we conclude that this case is appropriate for summary disposition. We summarily affirm. *See* WIS. STAT. RULE 809.21.

This is Knaus's fourth appeal in this case. Our recent summary order sets forth the facts and procedural history relevant to this appeal. *See Adamski v. Knaus*, No. 2019AP454, unpublished op. and order (WI App Sept. 22, 2020) (*Knaus III*). Accordingly, we will not repeat that information here.

We review a circuit court's use of its contempt power for an erroneous exercise of discretion. *Monicken v. Monicken*, 226 Wis. 2d 119, 124-25, 593 N.W.2d 509 (Ct. App. 1999). A court properly exercises its discretion when it has examined the relevant facts, applied a proper legal standard, and, using a demonstrated rational process, reaches a reasonable conclusion. *Hess v. Fernandez*, 2005 WI 19, ¶12, 278 Wis. 2d 283, 692 N.W.2d 655. Additionally, we must accept a court's findings of historical fact unless they are clearly erroneous. *Monicken*, 226 Wis. 2d at 125.

Similar to Knaus's appellate brief in *Knaus III*, his brief-in-chief here is difficult to follow. The issues are not concisely stated, Knaus cites only to his brief's appendix and not to

² John and Cindy Adamski did not file a response brief.

the record on appeal, and he provides virtually no citation to legal authority.³ We therefore address the issues raised as best that we can discern them.

Knaus first argues that the circuit court should have found the Adamskis in contempt because they failed to appear at a hearing on his contempt motion. Knaus, however, does no more than disagree with the court's decision. He does not explain why the court erroneously exercised its discretion by not finding the Adamskis in contempt for failing to appear. Given that we give deference to a court's discretionary decision on the finding of contempt, we reject Knaus's argument that the court erred in this regard.

Next, Knaus argues that the Adamskis committed a fraud on the circuit court by submitting a petition (the same petition at issue in *Knaus III*) that contained inaccurate information. He asserts the Adamskis' signing the petition under oath when it contained, in his view, numerous inaccuracies constitutes contempt of court. Knaus's arguments in this regard, however, are not materially different from those he raised in *Knaus III* on his direct appeal of the court's grant of the Adamskis' petition. We concluded there that his arguments regarding alleged fraud by the Adamskis lacked merit. *Knaus III*, No. 2019AP454, at 3-5. As we have already addressed and rejected Knaus's arguments on this issue, we will not further discuss them.

Finally, Knaus contends that "changes were made" on the petition after the Adamskis signed it in the presence of a notary public, which changes he asserts are impermissible and

³ We again admonish Knaus that we have no duty to scour the record to review arguments unaccompanied by adequate record citation, and his merely citing to a party's brief's appendix is insufficient. See *Roy v. St. Lukes Med. Ctr.*, 2007 WI App 218, ¶10 n.1, 305 Wis. 2d 658, 741 N.W.2d 256. Moreover, we may decline to consider arguments unsupported by legal authority. See *State v. Flynn*, 190 Wis. 2d 31, 39 n.2, 527 N.W.2d 343 (Ct. App. 1994).

grounds for contempt of court. Knaus specifically argues that the petition clearly shows that it was modified after it was signed and notarized on November 14, 2018, as the front page of the petition states that it was served upon him two weeks later, on November 30, 2018. The circuit court, in response to Knaus's argument below, found the following:

[O]bviously what happened here is that [the Adamskis' attorney notarized] this Petition on the 14th of November and then sent it to you or attempted to and was unsuccessful in three attempts to serve, and then they posted it on your door and then they mailed it to you, and then he placed on the front page of this document the November 30 date. That—He wasn't changing anything. He was simply advising the Court of the date that he did this and explaining how service was made.

For the reasons aptly explained by the circuit court, Knaus's assertion that the court should have found the Adamskis in contempt on this issue lacks merit. Knaus has not demonstrated how or why the court's factual findings are clearly erroneous. Simply disagreeing with the court's factual findings is insufficient. See *Jacobson v. American Tool Cos.*, 222 Wis.2d 384, 390, 588 N.W.2d 67 (Ct. App. 1998). In all, we conclude the court properly exercised its discretion by denying Knaus's contempt motion.

Therefore,

IT IS ORDERED that the order is summarily affirmed. 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