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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

August 29, 2024

To:

Hon. Jacob B. Frost
Circuit Court Judge
Electronic Notice

Christopher Krimmer
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Kimberly N. Ripp
Electronic Notice

Kristin Anne Bausch
Electronic Notice

Emily Caroline Cunningham
Electronic Notice

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

2023AP937

Kristin Anne Bausch v. Christopher John Bausch
(L.C. # 2021FA822)

Before Graham, Nashold, and Taylor, 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).

Kristin Bausch appeals postjudgment orders in this divorce case. 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 (2021-22).¹ We affirm, find the appeal frivolous, and remand for a determination of reasonable attorney fees.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Kristin and respondent Christopher Bausch divorced in January 2023. This appeal concerns postjudgment orders. As explained in this court’s order of August 30, 2023, only two circuit court orders are properly before us in this appeal. One order was entered on April 26, 2023, holding Kristin in contempt for failing to comply with certain provisions of the divorce judgment. The second order before us was entered on May 1, 2023, denying Kristin’s “judicial notice delegation of authority” that sought dismissal of the case due to lack of subject matter and personal jurisdiction.

On appeal, Kristin’s brief does not present any argument that appears to be directed specifically to the contempt order. For example, she does not claim to have complied with the divorce judgment. Instead, her brief contains a disorganized series of cursory arguments and assertions. We address these to the extent that we are able to identify coherent concepts.

Kristin appears to argue that the circuit court lacks jurisdiction over her because jurisdiction was not proven. None of the authority that she cites requires proof of jurisdiction, in the absence of a specific challenge to it. Kristin does not appear to identify any specific reason to claim that the circuit court lacked either subject matter or personal jurisdiction over her. There is no merit to this argument.

Kristin asserts that she is not required to pay child support because she is a woman. She cites no legal authority for this assertion, and it has no merit.

Kristin argues that the “*Ashwander* doctrine” applies to this case and that federal case law requires that a hearing have been held on her ability to pay before she can be held in contempt. In this case, a hearing was held on Christopher’s motion for contempt, but Kristin did not appear to contest the motion. There is therefore no merit to this argument.

For these reasons, we affirm the circuit court's orders of April 26, 2023 and May 1, 2023.

Christopher moves for a finding that this appeal is frivolous because it is without any reasonable basis in law or equity and cannot be supported by a good faith argument for reversal of existing law. We agree that the appeal lacks such a basis, and that Kristin should have known that it lacks such a basis. Accordingly, we find the appeal frivolous under WIS. STAT. RULE 809.25(3)(c)2., and award Christopher reasonable attorney fees for this appeal. We remand for the circuit court to determine those fees.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21, and the cause is remanded with directions.

IT IS FURTHER ORDERED that, after remittitur, the circuit court shall award Christopher reasonable attorney fees.

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

Samuel A. Christensen
Clerk of Court of Appeals