

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER, Ph.D. et al.,

Defendant.

PLAINTIFF'S MOTION FOR DISTRIBUTION OF FUNDS

NOW COMES PLAINTIFF Leonard Pozner (“Plaintiff”), by his attorneys, Quarles & Brady LLP, and moves the Court to enter the order filed simultaneously with this motion. This motion is based on the March 17, 2023, hearing and on the Affidavit of Randy J. Pflum filed herewith.

1. On December 15, 2022, Plaintiff filed the present Non-earnings Summons and Complaint (“Complaint”) against the Defendant James Fetzer, Ph.D. (the “Debtor”), and Garnishee Defendants, State Bank of Cross Plains, Summit Credit Union, and UW Credit Union.

2. On December 21, 2022, Summit Credit Union filed an answer stating it had control or possession of \$46.06 of the Debtor’s assets. (Doc. No. 543 at 1).

3. On December 27, 2022, State Bank of Cross Plains filed an answer stating it had control or possession of \$2,437.60 of the Debtor’s assets (the “SBCP Account”). (Doc. No. 546 at 1).

4. On December 30, 2022, UW Credit Union filed an answer stating it had control or possession of \$11,305.72 of the Debtor’s assets (the “UW Account”), but such amounts were subject to an exemption. (Doc. No. 550 at 1).

5. On January 3, 2023, the Debtor filed an answer claiming exemptions in both the SBCP Account and the UW Account. (Doc. No. 549 at 1).

6. On January 18, 2023, the Plaintiff filed an Objection to the above answers and requested a hearing on the matter. (Affidavit of Randy J. Pflum (“Pflum Aff.”) at ¶ 2).

7. On March 17, 2023, the Court held a hearing on whether any funds in the UW Account were non-exempt. *Id.* at ¶ 3.

8. At the March 17, 2023, hearing the Debtor’s spouse, Janice Fetzer, testified that she deposited certain non-exempt funds into the Debtor’s UW Account. *Id.* at ¶ 4.

9. After argument from both parties, the Court ordered the Debtor to provide the Plaintiff with copies of the UW Account bank statements for the last 12 months. *Id.* at ¶ 5.

10. Plaintiff has reviewed the UW Account statements and contends the following amounts are subject to the present garnishment action less the \$5,000 exemption:

Deposit Date	Deposit Account	Amount
3/3/2022	UW Account (Deposit)	\$549.59
3/21/22	UW Account (Deposit from Daughter)	\$65.32
3/30/2022	UW Account (WI Tax Return)	\$1,486.00
4/6/2022	UW Account (Fed. Tax Return)	\$521.00
5/6/2022	UW Account (the Debtor’s reimbursement for lawsuit)	\$391.05
6/15/2022	UW Account (Deposit from Daughter)	\$159.00
8/8/2022	UW Account (Deposit from Daughter)	\$153.88
9/2/2022	UW Account (Deposit from the Debtor for Fed Ex)	\$94.96
9/23/2022	UW Account (Deposit)	\$100.00
12/1/2022	UW Account (Deposit from the Debtor for Fed Ex)	\$1,000.00
12/21/2022	Summit Credit Union Answer	\$46.06
12/27/2022	SBCP Answer	\$2,437.60
	Claimed Exemption Wis. Stat. § 815.18(3)(k)	-\$5,000.00
	Amount Subject to Garnishment	\$2,004.46

Id. at ¶ 6.

11. Plaintiff respectfully requests entry of the order filed herewith, which directs the Debtor to pay the Plaintiff **\$2,004.46** as being held or the amount due to the Plaintiff.

12. Upon such payment, the Garnishee Defendants will be released from further liability in this garnishment action.

Dated April 25, 2023

Quarles & Brady LLP

Electronically signed by Randy J. Pflum

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