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DISTRICT IV

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CIRCUIT COURT

DANE COUNTY, WI

2018CV003122

April 16, 2026

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James Fetzer
Electronic Notice

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

2024AP1361

Leonard Pozner v. James Fetzer (L.C. # 2018CV3122)

Before Graham, P.J., Kloppenburg, 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).

James Fetzer, pro se, appeals circuit court orders denying his motion for relief from judgment and granting Leonard Pozner's motion to seal certain documents in the circuit court record. After reviewing the briefs and record, we conclude at conference that this case is

appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We summarily affirm.

This appeal arises out of a defamation case initiated in 2018 by Pozner against Fetzer, the latter being a co-author and editor of the book *Nobody Died At Sandy Hook* (2d ed. 2016). Pozner’s son, N., was one of the children killed in December 2012 during a mass shooting at Sandy Hook Elementary School in Newtown, Connecticut.² Pozner sued Fetzer, a Wisconsin resident, for publishing defamatory statements, including but not limited to assertions that a copy of N.’s death certificate released by Pozner was fake and a forgery. The circuit court granted partial summary judgment to Pozner and determined that Fetzer’s statements are defamatory. The issue of Pozner’s damages was tried to a jury, which returned a verdict awarding \$450,000 to Pozner in October 2019.

In June 2024, Fetzer filed motions and multiple supporting documents, seeking to “open” the judgment pursuant to WIS. STAT. § 806.07. Fetzer submitted a proposed order granting the motion, and the circuit court denied the proposed order. Instead, the court entered its own decision and order. The court construed the motion liberally and explained that it had examined the motion to see whether Fetzer could prove he was entitled to relief from judgment for any of the reasons enumerated in § 806.07(1) or pursuant to the independent procedure for relief from judgment under § 806.07(2). The court concluded that Fetzer had not made such a showing and denied his motion for relief from judgment.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

² We refer to the mass shooting that occurred at Sandy Hook Elementary School as the “Sandy Hook shooting.” Because N. was a minor and the victim of a crime, we use an initial in place of the victim’s name.

On appeal, Fetzer argues in a conclusory fashion that the circuit court violated his due process rights when the court denied his motion for relief from judgment, and when it granted Pozner's motion to seal, without requiring any response, reply, further discovery, or examination. We reject all of Fetzer's due process arguments as undeveloped. Fetzer fails to cite any relevant legal authority, and instead relies heavily on conclusory assertions and a blanket, general citation to Wisconsin's Rules of Civil Procedure for pleadings. This court need not consider arguments that are unsupported by adequate legal citations or are otherwise undeveloped. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

As to the merits of the circuit court order denying Fetzer's motion for relief from judgment, Fetzer fails to engage in any meaningful way with the court's reasoning for denying relief from judgment under WIS. STAT. § 806.07. A motion for relief from judgment under § 806.07 is addressed to the sound discretion of the circuit court. *Brown v. Mosser Lee Co.*, 164 Wis. 2d 612, 616-17, 476 N.W.2d 294 (Ct. App. 1991). We will not reverse a court's discretionary determination if the record shows that discretion was in fact exercised and a reasonable basis exists for its decision. *Id.* at 617. A court properly exercises its discretion when it employs a logical rationale based on the correct legal principles and the facts of record. *Kohl v. Zeitlin*, 2005 WI App 196, ¶28, 287 Wis. 2d 289, 704 N.W.2d 586. The record in this case shows that the court did so here, applying the correct statutory provisions of § 806.07 to the allegations in Fetzer's motion and concluding that Fetzer was not entitled to relief. We discern no basis for reversing the circuit court order denying Fetzer's motion for relief from judgment.

In the respondent's brief, Pozner argues that this court should dispose of the appeal on the basis that Fetzer is attempting to relitigate issues that were already decided in the original

judgment or could have been raised and decided in Fetzer's appeal of the original judgment.³ We recognize that the arguments presented by Fetzer in his briefs filed in this court, and in his motion for relief from judgment filed in the circuit court, were attempts to relitigate issues that were previously decided in this case. We acknowledge that this court has tools to curb attempts by parties to relitigate issues that were already decided. We have elected not to exercise those tools in this appeal, but we may do so in the future if Fetzer attempts to relitigate issues previously decided.

IT IS ORDERED that the orders are summarily affirmed under WIS. STAT. RULE 809.21(1).

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

Samuel A. Christensen
Clerk of Court of Appeals

³ In Appeal Number 2020AP121, this court affirmed the circuit court's decision granting partial summary judgment to Pozner.