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DISTRICT IV

FILED

04-16-2026

CIRCUIT COURT

DANE COUNTY, WI

2018CV003122

April 16, 2026

To:

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Circuit Court Judge
Electronic Notice

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Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
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Genevieve M. Zimmerman
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James Fetzer
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1329

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 a circuit court order granting respondent Leonard Pozner's motion to disburse garnished funds. 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.

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

Background

Following entry of a 2019 defamation judgment against Fetzer, Pozner filed a non-earnings garnishment complaint in December 2022 to collect funds from Fetzer's bank accounts. After a March 2023 garnishment hearing, Pozner moved for the distribution of \$2,004.46 in funds that he argued were not exempt from garnishment. The motion was supported by an affidavit from Pozner's counsel. The circuit court entered an order granting Pozner's motion for disbursement six days after the motion was filed, without further input from Fetzer. Fetzer appealed and, in an unpublished per curiam opinion issued on February 8, 2024, this court reversed the circuit court order and remanded the case for further proceedings. *See Pozner v. Fetzer*, No. 2023AP1002, unpublished slip op. at 5 (WI App Feb. 8, 2024). We concluded that the circuit court had erroneously exercised its discretion when it issued the disbursement order without giving Fetzer an opportunity to address the substance of Pozner's motion.

Following remand, the circuit court held a status conference on April 24, 2025. The court addressed Fetzer as follows during the conference:

... I think what is proposed and what I understand needs to be done is to turn back the hands of time. The plaintiff filed a motion for distribution of funds on April 25th of last year, document number 557. That's the one which I acted on without you having an opportunity to respond. I propose we just issue -- set a briefing schedule on the pending motion with a new date to return.

When can you respond to plaintiff's motion?

Fetzer replied, "Well, I have in fact already responded, your Honor, when I appealed to the Court of Appeals[.]" The court stated that it did not have access to the appellate briefs and asked Fetzer to submit to the circuit court all of his evidence and arguments opposing Pozner's motion. The court also scheduled a hearing date.

Fetzer's sole response to the circuit court's directive to file "all the evidence and arguments [he has] opposing the motion" was a letter asking that the court take judicial notice of Fetzer's appellant's brief from Appeal No. 2023AP1002, with an attached copy of the brief. Fetzer did not submit any evidence to the circuit court to support the arguments in his appellant's brief. Pozner filed a reply brief in support of his motion to disburse funds, as well as another supporting affidavit from his counsel.

At the hearing on June 11, 2024, Fetzer asserted that some of the funds Pozner was attempting to garnish were held in accounts that Fetzer owned jointly with his wife, and that they should not be subject to garnishment because his wife is not the debtor in this case. Fetzer did not introduce any documentation to support this assertion, nor did he introduce any exhibits during the hearing. On June 20, 2024, the circuit court entered an order granting Pozner's motion to disburse funds, finding that \$2,004.46 of the funds in Fetzer's accounts was subject to garnishment. Fetzer appeals.

Fetzer makes two arguments on appeal, which we address in turn. First, Fetzer argues that Pozner is not entitled to disbursement of funds garnished from Fetzer's UW Credit Union account because some of the deposits made into that account were "reimbursements of exempt funds." The only legal authority Fetzer cites in support of this argument is WIS. STAT. § 815.18(3)(j), which includes retirement benefits among the types of property that are exempt from execution of judgments. However, Fetzer fails to connect this statute to any evidence in the record regarding the funds that were garnished from his credit union account. He simply asserts that "[f]unds from Social Security or derived from retirement accounts are exempt." Fetzer asserts that Pozner should have been able to determine from the testimony of Fetzer's wife at the March 2023 garnishment hearing "which funds in the account were paybacks of exempt funds."

However, Fetzer fails to cite which parts of the hearing transcript support this assertion. In fact, Fetzer fails to include any record citations in his brief, as required under WIS. STAT. RULE 809.19(1)(d). “A party must do more than simply toss a bunch of concepts into the air with the hope that either the trial court or the opposing party will arrange them into viable and fact-supported legal theories.” *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). Fetzer has failed to identify anything in the record that would lead this court to conclude that the circuit court erred when, after remand and based on the evidence before it, the court granted Pozner’s motion for disbursement of funds.

The second argument presented by Fetzer on appeal is that this court “already ruled” in his prior appeal that “Fetzer’s funds cannot be garnished[.]” We reject this argument because this court made no such ruling. In our February 8, 2024 opinion, we explicitly stated, “[w]e express no conclusions regarding the merits of Fetzer’s arguments.” *Pozner*, No. 2023AP1002 at 12. We explained that we could not do so “because the current record is insufficiently developed.” *Id.* We remanded the case for further proceedings, thus providing Fetzer with the opportunity to develop the record and “demonstrate legitimate reasons to reduce the amount of garnishment ordered[.]” *Id.* Despite this opportunity, Fetzer failed to develop the record on remand, relying only on his appellant’s brief from Appeal No. 2023AP1002 and his own unsupported arguments and conclusory assertions made to the circuit court at the hearing on June 11, 2024. The circuit court was not convinced that Fetzer had demonstrated legitimate reasons to reduce the amount of the garnishment. We likewise are not convinced.

IT IS ORDERED that the order is 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