**STATE OF WISCONSIN**
**COURT OF APPEALS**
**DISTRICT II**

In re the finding of contempt in:
In re the marriage of:

Nicole Huiras,
Petitioner-Respondent,
v.
Nathan Huiras,
Respondent-Appellant.

**District:** 2
**Appeal No.** 2022AP001731
**Circuit Court Case No.** 2021FA000592

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# REPLY BRIEF OF APPELLANT

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STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

I, Nathan Huiras, am a natural person in Propria Persona. Pursuant to **Wisconsin Statute 809.19(4)** The Appellant-Respondent files this Reply Brief in response to the **UNTIMELY** Respondent Brief that contains several misrepresentations of fact and meritless conclusions of law such as maliciously converting the statement "I Appreciate That" in a Title IV-D created administrative family tribunal of equity magically to a "guilty plea" at law.

## RELIEF REQUESTED

I, Nathan J Huiras, in propria persona continue to request that the untimely filed brief be stricken from the record and SUMMARY REVERSAL be ruled as a sanction for violating the above titled court's orders.

Wisconsin Case 2021FA00592 contains many orders made in ministerial fashion that violate the Wisconsin Statutes, Wisconsin Constitution, and United States Constitution. The Racine County Circuit Court case is CONSTITUTIONALLY VOID and should be DISMISSED with PREJUDICE with Declaratory judgement that my constitutional rights have been violated. I continue to request for the declaratory and injunctive relief specified in the Appellate Brief. I also request for any other relief that the Wisconsin Court of Appeals of the Second District finds as deem, proper, equitable and just.

## ORAL ARGUMENT

I, Nathan J Huiras, in propria persona continue to request for oral argument of this case.

**QUESTIONS OF LAW**

The Petitioner-Respondent alleges the six below Questions of Law regarding the arrest and commitment final order/decision made on the 21st Day of September 2022 that violated my procedural due process rights for which I have ABSOLUTE constitutional immunity. My response to each is in line below each Petitioner-Respondent claim. I request that the above titled court answer these questions via De Novo Review.

***"1) Mr. Huiras claims the contempt proceeding should have followed nonsummary punitive procedure and been prosecuted by the state, rather than following nonsummary remedial procedure because the sanctions were punitive and not remedial."*** The Petitioner-Respondent requested a proposed order (Exhibit A) to the Racine County Family Tribunal for a Harassment Cause of Action without a clearly specified remedial sanction. She asked for the max sentence of Summary Contempt PUNITIVE sanction of 30 days in jail AND $1500 to be transferred to her client in profit from her fraud. She deceptively did not specify the $1500 to be a remedial sanction in her requested proposed order for a different cause of action (harassment) than the subject matter of the case (Divorce and Child Custody) WITHOUT a petition. Attorney Jessica Grundberg continues to willfully abuse the judicial process by committing FRAUD UPON THE COURT in advancing bad faith and meritless claims.

The Article I Adjunct, Kristin Cafferty, abused her discretion granting her husband Patrick Cafferty's office co-habitant Jessica Grundberg's proposed order request in sentencing the Appellant to 30 days in jail and $1500 of corporate profit for Summary Contempt regarding conduct committed outside the court room without explicitly specifying a remedial sanction.

*"Mr. Huiras has certainly not contested the existence of the purge condition in the Contempt Order that is the subject of this appeal."* -Respondent Brief

There absolutely was no purge condition on the Attorney Grundberg unsigned proposed order requested before the hearing on September 21st, 2021 that did not give FIVE BUSINESS DAYS of procedural due process notice. The Petitioner-Respondent attempted to conspire with the Article I Adjunct to deceive me that I was not entitled to remedial purge conditions.

**2) Mr. Huiras claims that contempt proceedings are criminal proceedings and must follow criminal procedure.** Harassment is a crime according to **Wisconsin Statute 947.013.** It satisfies both elements of a crime. Harassment is an action at law. Wisconsin Case 2021FA000592 is an action at equity. It lacks subject matter jurisdiction to prosecute actions at law.

**State v. Carpenter, 508 NW 2d 69 - Wis: Court of Appeals 1993** – *"Carpenter was sanctioned for contempt under sec. 785.04(2)(a), Stats., which provides: "A court, after a finding of contempt of court in a nonsummary procedure under s. 785.03(1)(b)[, Stats.], may impose for each separate contempt of court a fine of not more than $5,000 or imprisonment in the county jail for not more than one year or both." (Emphasis added.)* ***Both elements of the definition of a crime are satisfied: (1) Carpenter engaged in conduct prohibited by law; and (2) his contumacious conduct was subject to imprisonment, a fine, or both*** *...Moreover, the nature of nonsummary punitive contempt is distinctly criminal. A complaint is required. Section 785.03, Stats. The proceedings are conducted pursuant to Wisconsin's code of criminal procedure. Section 785.03(1)(b), Stats., provides: "The complaint shall be processed under chs. 967 to 973." Chapters 967 to 979 govern all criminal proceedings. Section 967.01, Stats.* ***The contemnor is entitled to notice of the charges and has a right to prepare and present a defense. Cooke v. United States, 267 U.S. 517 (1925). The contemnor is entitled to a hearing before an unbiased judge. Mayberry v. Pennsylvania, 400 U.S. 455 (1971). There is a presumption of innocence until proven guilty beyond a reasonable doubt.*** *Gompers v. Buck's Stove & Range Co., 221 U.S. 418 (1911). If a sentence of imprisonment longer than six months is imposed, the contemnor has a right to a jury trial. Bloom, 391 U.S. 194. "*

**Granfinanciera, SA v. Nordberg, 492 US 33 - Supreme Court 1989** – *"[L]egal claims are not magically converted into equitable issues by their presentation to a court of equity," Ross v. Bernhard, 396 U. S. 531, 538 (1970),"*

**Welytok v. Ziolkowski, 752 NW 2d 359 - Wis: Court of Appeals 2008** – *As we have stated, to grant a harassment injunction under WIS. STAT. § 813.125, the circuit court must find reasonable grounds to believe that the respondent has violated WIS. STAT. § 947.013*

**State v. Sveum, 648 NW 2d 496 - Wis: Court of Appeals 2002** – *The legislature has defined "crime" to mean "conduct which is prohibited by state law and punishable by fine or imprisonment or both." WIS. STAT. § 939.12.[5] Conduct punishable only by a forfeiture is not a crime.. The legislative history of* ***1983 Wis. Act 336****, which created §* ***813.125****, shows that the legislature considered but rejected the idea of punishing violations of harassment injunctions as civil forfeitures.[8] That the legislature was particularly attuned to the punishment scheme for § 813.125 and ultimately settled on a fine and potential imprisonment suggests that the legislature created § 813.125(7) with the intent to classify the violation of an injunction issued under § 813.125(4) as a crime."*

Contempt proceedings with a cause of action at law based on alleged Harassment conduct does indeed require a separate petition per **Wisconsin Statute 785.04(2).** Harassment is required to be litigated in a court of law with common law jurisdiction. The final order/judgment appealed in this case is constitutionally void that was magically made by an Article I Adjunct in a court of equity, Therefore, the Petitioner-Respondent has violated my Procedural Due Process rights where I have absolute immunity (**Carey v. Piphus, 435 US 247 - Supreme Court 1978)**.

**Wisconsin Statute 785.01(2)** "Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court. **(3)** "Remedial sanction" means a sanction imposed for the purpose of terminating a continuing contempt of court.

**State ex rel. NA v. GS, 456 NW 2d 867 - Wis: Court of Appeals 1990** – *"Remedial contempt looks to present and future compliance with court orders, and the sanction must be purgeable through compliance. State v. King, 82 Wis. 2d 124, 130, 262 N.W.2d 80, 83 (1978)."*

The Racine County Circuit Court stated their intent as to why they were punishing me. The final judgement order appealed was not purgeable through compliance. It was only made to put forth a CHLLING EFFECT on the father's freedom of speech right to vociferously and zealously advocate for his constitutional right to care and custody of his biological offspring.

**Article I of the Wisconsin Constitution** – *"**Free speech; libel. SECTION 3.** Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. **Right to assemble and petition. SECTION 4.** The right of the people peaceably to assemble, to consult for the common good, and **to petition the government, or any department thereof**, shall never be abridged."*

***Court Transcript 9/21/2022***
*"THE COURT: At this point in time, Mr. Huiras, you're like the Velociraptor in Jurassic Park trying to test the fence where the fence doesn't have power so that you can test me in determining where you can engage in behavior that is not going to have consequences and I want you to know that the behavior you engaged in as alleged in the last contempt hearing that was heard in July and this type of conduct with Mrs. Huiras as exhibited in Exhibit B to this most recent affidavit is electrified and is not acceptable so there are going to be consequences."*

The Article I Adjunct, Kristin Cafferty, compares the act of a person vociferously and zealously asserting constitutional rights to care and custody of his biological offspring with LAWFUL PURPOSE to a dinosaur that attacks and eats people. This is case in point of how much of an embellished smear campaign WITCH HUNT that this case has been against the Appellant-Respondent and provides more evidence supporting that this frivolous Wisconsin Case 2021FA000592 case should be injunctively dismissed with a declaratory judgement that the Appellant-Respondent's constitutional rights have been violated under the Color of State Law.

**HEUVEL v. KRUTZ, Wis: Court of Appeals, 2nd Dist. 2009**– *"Tammy Krutz appeals an order granting Joseph Van Den Heuvel's petition for a harassment injunction. The resolution of this case rested upon an implicit credibility determination, a matter within the circuit court's discretion. We conclude the "reasonable grounds" burden of proof under WIS. STAT. § 813.125 (2007-08)[1] has been satisfied and that the injunction was permissible in scope. We affirm."*

The United States Supreme Court has weighed in many times on the "reasonable grounds" standard. It must be made in the interest of public policy. Title IV-D Corporate Government Agent Kristin Cafferty decided to instead cross the line violating my private interests as a natural person and rule based on what benefits her and Racine County's complex corporate enterprise.

**Brinegar v. United States, 338 US 160 - Supreme Court 1949** – *"Government agents are commissioned to represent the interests of the public in the enforcement of the law and this requires affirmative action not only when there is reasonable ground for an arrest or probable cause for a search but when there is reasonable ground for an investigation."*

**Terry v. Ohio, 392 US 1 - Supreme Court 1968** – *"Officer McFadden had reasonable grounds to believe that petitioner was armed and dangerous, and it was necessary for the protection of himself and others to take swift measures to discover the true facts and neutralize the threat of harm if it materialized"*

**3) Mr. Huiras claims that he can't be charged with contempt for harassment unless there is an injunction against him.** Yes. I absolutely do claim this because the Article I Adjunct invoked **Wisconsin Statute 813.125(1)** in the court transcript. If she is going to use the **Wisconsin Statute 813.125(1)** definition of "harassment" in her "court" order then she must follow the **COMMMENCEMENT OF ACTION** prescribed by the legislature in that statute. It has long been held that Judicial Powers in creating court orders are bound by statute (**Derleth v. Cordova, 841 NW 2d 552 - Wis: Court of Appeals 2013, *Dovi v. Dovi, 245 Wis. 50, 55, 13 N.W.2d 585 (1944)*)** in Divorce Action in Wisconsin.

**813.125(2)** COMMENCEMENT OF ACTION.

(a) An action under this section may be commenced by filing a petition described under sub. (5) (a). No action under this section may be commenced by service of summons. The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. If the judge or a circuit court commissioner extends the time for a hearing under sub. (3) (c) and the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise, the judge or circuit court commissioner shall inform the petitioner that he or she may serve the respondent by publication of a summary of the petition as a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the respondent's post-office address or facsimile number is known or can with due diligence be ascertained. The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence. A summary of the petition published as a class 1 notice shall include the name of the respondent and of the petitioner, notice of the temporary restraining order, and notice of the date, time, and place of the hearing regarding the injunction. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition. Section 813.06 does not apply to an action under this section.

**4) Mr. Huiras claims that he was denied an opportunity to testify during the contempt hearing.** I absolutely was denied an opportunity to testify and provide evidence supporting why I did not willfully violate the order. I asked to testify and the Article I adjudicator, Kristin Cafferty, denied my request. It was only a last-ditch attempt where I spoke out of turn to assert my Sixth Amendment Federal Constitutional right to be present at my own trial that I did avoid the 30-day Punitive Jail Sanction. I educated the professionally incompetent Article I Adjunct (**Wisconsin Supreme Court Rule 60.04(b)**) that she cannot give this punitive sanction without purge conditions.

**Court Transcript 9/21/2022**
*"MR. HUIRAS: Where is the injunction hearing? There's no restraining order, there's no injunction. Just stuff.*
*THE COURT: It's your behavior that has put you here.*
*THE COURT: This action is based on your violation of the court's order.*
*MR. HUIRAS: That's criminal contempt. That's punitive. You're being punitive. I'll read you the case. Can I read a case to you?*
*THE COURT: No, you can't."*

This is absolute proof that the Article I Adjunct violated the contemnor's right to testify towards the issue bringing forth evidence as to why I did not willfully violate the order. I should be allowed to read United States Supreme Court case law to the record as evidence when a fundamental liberty interest is at stake.

**Illinois v. Allen, 397 US 337 - Supreme Court 1970** – *"One of the most basic of the rights guaranteed by the Confrontation Clause is the accused's right to be present in the courtroom at every stage of his trial.* ***Lewis v. United States, 146 U. S. 370 (1892).*** *The question presented in this case is whether an accused can claim the benefit of this constitutional right to remain in the courtroom while at the same time he engages in speech and conduct which is so noisy, disorderly, and disruptive that it is exceedingly difficult or wholly impossible to carry on the trial."*

**5) Mr. Huiras (perhaps) claims that that the definition of "harassment" used by the Court was overly vague.** *Wisconsin Statute 813.125(1)(am)4* is a recursive statute. It creates ambiguity by defining harassment as *"engaging in a course of conduct or repeatedly committing acts which* ***harass*** *another person"* giving Title IV-D Article I Adjuncts who are only concerned in the public interests of their complex corporate enterprise too much discretion to rule every communicated message as harassment that they don't like. The Racine County Court has not shown any willingness to protect the private interest constitutional rights of the father. They only care about public interests and the mother who receives their Title IV-D bribe money. The Racine County Circuit erroneously called the below OFW message harassment in response to petitioner-respondent's malicious parental

alienation behaviors which have deprived me of my constitutional right to care and custody of my biological offspring.

The biased Article I Adjunct's intention is to intimidate the Appellant-Respondent from filing a complaint outside of her tribunal. She believes she has broad common law jurisdiction to make any order she wants using the overly vague "Best Interest of the Child" as her rubric explanation. If the biased Article I finder of "fact" doesn't like an action, they can make an overly vague interpretation that the act doesn't have lawful purpose. There are extremely low odds that a jury would find the OFW message as harassment because juries find fact more reasonably than Article I Adjuncts with Title IV-D Complex Corporate Enterprise public interests unlawfully compelled by the Wisconsin Department of Children and Families in the Executive Branch according to the Separation of Powers Doctrine.

*"...The attachment injury is growing between [the children] and their father, and you are the source of that injury. While injuring the children you have also stripped me of my dignity and defamed my character by making false statements about my mental health. There will be* ***civil, peaceful, and legal recovery*** *for these damages. You are living a lie, Nicole. Wake up, please and let [the children] see their father. The games that you've played with their lives are abusive and damaging. Please get help and ask Dr. Thompson for an evaluation of your personality. You are not safe with the children if you think OUR children are doing well without their loving father."*

This OFW message was sent after the Appellant-Respondent was unfairly coerced into two separate psychological evaluations where his medical records were searched and seized by Racine Case 2021FA000592. There was no finding of parental unfitness by multiple Doctors of Psychology subject to the Wisconsin Psychology Examining Board. The mother unfairly was not subject to any psychological evaluations when she undoubtedly has a mental health deficiency if she hates a father that much to abuse her own children via Parental Alienation behaviors. The OFW message had lawful purpose to assert that the petitioner-respondent is in clear violation of **Wisconsin Statute 767.41(5)(am)(4)**. She continues to unreasonably object to increased child placement as their attachment injury to the father grows so that she can maximize her Title IV-D "child support" bribe money from the Racine County Complex Corporate Enterprise.

**Wis Stat 767.41(5)** - *"Whether each party can support the other party's relationship with the child, including encouraging and facilitating frequent and continuing contact with the child, or whether one party is likely to unreasonably interfere with the child's continuing relationship with the other party."*

The Racine County Circuit Court claimed that the above OFW message was intimidating when no true threats (***State v. Perkins, 626 NW 2d 762 - Wis: Supreme***

***Court 2001***) were made. It is not intimidation for a mother to deceptively act as timid so that she can obtain more bribe money from Racine County. (**Virginia v. Black, 538 US 343 - Supreme Court 2003**)

There was no threat to bodily harm in the above message. The lawful purpose of the OFW message was to assert the Fit to Parent Presumption affirmed by the Wisconsin Supreme Court says that I have a right to care and custody of my biological offspring. Racine County Circuit Court has not made any findings of parental unfitness as they continue their 18-month cruel and unusual witch hunt on the Appellant-Respondent.

**Wisconsin Constitution** – *"Remedy for wrongs. SECTION 9. Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character;* ***he ought to obtain justice freely****, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws."*

**Michels v. Lyons, 2018 WI 90 - Wis: Supreme Court 2018** – *"We recognize that a fit parent has a fundamental liberty interest in the care and upbringing of his or her child"*

***Smith v. Organization of Foster Families For Equality & Reform, 431 US 816 Supreme Court 1977*** – *"One of the liberties protected by the Due Process Clause, the Court has held, is the freedom to "establish a home and bring up children."* ***Meyer v. Nebraska, supra, at 399****. If a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest, I should have little doubt that the State would have intruded impermissibly on "the private realm of family life which the state cannot enter."* ***Prince v. Massachusetts, 321 U. S. 158, 166.*** *But this constitutional concept is simply not in point when we deal with foster families as New York law has defined them. The family life upon which the State "intrudes" is simply a temporary status which the State itself has created."*

I, Nathan Huiras, in propria persona DEMAND that the above titled court submit to the United States Supreme Court's authority and their definitions of legal terminology used in the practice of law such as the definition of "intimidation".

The above message had the LAWFUL PURPOSE of creating urgency to the Parental Alienating mother to a court ordered Doctor of Psychology's EXPERT opinion on **Wisconsin Statute 747.41(5)** of attachment injury upon the Appellant to his biological offspring. Why did the Racine County Circuit Court coerce the Appellant-Respondent into Dr. Kravit's psychological evaluation as they continue to evade this clear and convincing evidence of parental fitness?

***"Age and developmental needs of the children:*** *Because of their age, it is important that a connection remains strong between the children and both parents as to not create an attachment injury"* – Dr. Allison Kravit

**6) Mr. Huiras claims that the Court was clearly erroneous in its factual finding that Mr. Huiras's actions constitute harassment of Ms. Huiras.** The Racine Family administrative Title IV-D proceeding (Case 2021FA000592) absolutely was erroneous in this "Finding" by a biased Article I Court Adjunct. The Appellant-Respondent was not given his Constitutional Procedural Due Process right to an evidentiary injunction hearing where there are more equal protections to form a defense. I do strongly believe that no jury in the United States of America would find that message as "harassment" when a father is vociferously trying to see his children that were deceptively removed from the State of Wisconsin against their will from him by the unconstitutional Racine County Family Title IV-D Tribunal where the Executive Branch (Department of Children and Families) compels judicial powers.

**Northern Pipeline Constr. Co. v. Marathon Pipe Line Co., 458 US 50 - Supreme Court 1982** -*"Next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support. . . . In the general course of human nature, a power over a man's subsistence amounts to a power over his will." The Federalist No. 79, p. 491 (H. Lodge ed. 1888) (A. Hamilton) (emphasis in original) … In sum, our Constitution unambiguously enunciates a fundamental principle—that the "judicial Power of the United States" must be reposed in an independent Judiciary. It commands that the independence of the Judiciary be jealously guarded, and it provides clear institutional protections for that independence."*

**Duchesne v. Sugarman, 566 F. 2d 817 - Court of Appeals, 2nd Circuit 1977** - *"Therefore, we must conclude that the failure of appellees to obtain judicial ratification of their decision to maintain custody of the children, despite the numerous and vociferous requests of Ms. Perez for their return, constituted a violation of due process."*

The Petitioner-Respondent makes the below assertions that I have responded to in line.

**A. Mr. Huiras Induced and Consented to a Specific Purge Condition – the Payment of a Fine in Lieu of Jail Time – and Received Exactly the Contempt Order He Induced, Stating His Appreciation on the Record for the Circuit Court's Concession, Thereby Waiving His Right to Appeal.**

This is an absurd and frivolous claim. I do believe that attorneys who share this opinion should have to take or re-take the Wisconsin Bar Exam.

Using the words "I appreciate that" did not contractually bind me in any way to consent to go to jail. The Petitioner-Respondent goes to the extreme of misconstruing context of words used in the act of being polite, "I appreciate that" while under extreme duress as "deliberate consent". I was already ordered

to go to jail at this chronological point in time with a PUNITIVE sanction that was deceptively filed by Jessica Grundberg without a petition for cause of action of harassment. While asserting my constitutional due process rights and equal protections I was trying to be as respectful as possible while this intentional infliction of emotional distress and harm was put upon me so that the surrounding police officers who were about to hand cuff me did not act aggressively. When under the extreme amount of duress on the 21st day of September 2022 there is no logical way that being polite while hostile police officers are approaching using the words "I appreciate that" are lawfully equivalent to a GUILTY PLEA. No person should have a license to practice law if they make this meritless conclusion.

**B. The Contempt Procedure and Sanctions, Including the Purge Condition that Mr. Huiras Argued For, Comply with Statutory Procedural Requirements for Nonsummary Remedial Contempt, and the Sanctions Are Properly Remedial Based on Ongoing Contempt.**

Petitioner-Respondent fails to point out that the colloquy that I engaged with the Article I Adjunct in regarding the difference between remedial and punitive contempt sanctions was AFTER I WAS ALREADY ORDERED TO JAIL. The chronological order of events does matter, and I DEMAND that the above titled court read the entire transcript (Exhibit D) of the hearing on the 21st day of September 2022 to see through the attempt here to advance yet another meritless claim.

**Bose Corp. v. Consumers Union of United States, Inc., 466 US 485 - Supreme Court 1984** - *"We have repeatedly held that an appellate court has an obligation to "make an independent examination of the whole record" in order to make sure that "the judgment does not constitute a forbidden intrusion on the field of free expression."* ***New York Times Co. v. Sullivan, 376 U. S., at 284-286. See also NAACP v. Claiborne Hardware Co., 458 U. S. 886, 933-934 (1982); Greenbelt Cooperative Publishing Assn. v. Bresler, 398 U. S. 6, 11 (1970); St. Amant v. Thompson, 390 U. S. 727, 732-733 (1968).***

*"Appellant alleges in his Brief that the order was "punitive," though he provides no authority to demonstrate that sanctions were punitive and not remedial."* – Respondent Brief

The case law in my Appellant Brief clearly shows Wisconsin Statutory and United States Supreme Court authority as to why the sanctions are punitive. The Proposed Order and meritless claim advanced by Attorney Grundberg on September 16th, 2022 just five days (and NOT FIVE BUSINESS DAYS) before the September 21st hearing where she claims that Appellant-Respondent violated the **Exhibit B** July 1st Court order is constitutionally void. There are no remedial or purge conditions explicitly specified to this order. The logical "AND" condition is used that both sanctions of a $500 fine and jail were going to be used. The Petitioner-Respondent violated

my United States Constitution eighth amendment rights and proposed an excessive fine of $1500 for her overbroad assertion of every OFW message that they don't like is harassment.

I am a software engineer that processes computer logic for a living so I can advise the above titled court logically that "AND" means that the court was maliciously intending to punitively punish the Appellant-Respondent with both Jail and Fine sanctions with nothing specified as a remedial purge condition. This Proposed Order in **Exhibit A** was never signed by an attorney; therefore, the Petitioner-Respondent concedes that the proposed order for arrest and commitment has no merit and is constitutionally void. There were no sanctions explicitly specified as remedial, THEREFORE it was a punitive sanction.

**Meyer v. Teasdale, 775 NW 2d 123 - Wis: Court of Appeals 2009** - "WISCONSIN STAT. § 802.01(2)(a)[4] states: "An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefore, and shall set forth the relief or order sought." Although not titled a motion, Mallgren's affidavit would meet the requirements of § 802.01(2)(a), especially since she submitted it with a proposed order.[5] But, unrepresented parties aside, every motion filed in court must be signed by an attorney or it "shall be stricken...." WIS. STAT. § 802.05(1). An attorney's signature serves as a certification to the court that the motion is properly supported by the facts and law and not being presented for any improper purpose. *See* WIS. STAT. § 802.05(2)."

**The order made on July 1, 2022 by the Racine County tribunal states** – *"BTC: Based on the affidavit in support of the motion, the Court finds that the statute has been violated and the actions described are contemptable actions. Mr. Huiras is found in contempt for harassment. If the behavior continues, he will be put in jail. there is to be no contact with the Petitioner outside of OFW. Award of attorney's fees is granted. Future violation of this contempt will subject him to 30 days in RCJ for every event and a fine of $500 for every event. Sanctions are stayed."*

Regarding the motion for contempt filed by the petitioner-respondent on May 27th, 2022 these were not specific court findings of fact found made with any sort of competency in fact or law. These were just more bad faith allegations made in the act of fraud and misrepresentation.

*"Finding [Mr. Huiras] in contempt of court for failing to cooperate with the order from the April 25, 2022 hearing that [Mr. Huiras] appear for the 8:00am appointment on July 11, 2022 with Dr. David Thompson at his office .... [Mr. Huiras] has indicated that he will not participate in the court ordered psychological evaluation and he has threatened Dr. David Thompson with criminal charges, accusing **him** of stalking, and threatening a 1983 civil rights lawsuit against him"* –Respondent Brief

For example, the above claim made in the Respondent Brief doesn't make any logical sense. The indication represented by them wasn't any sort of fact. It was a

misrepresentation of me by the Title IV-D Corporate Adversaries of Case 2021FA000592. I reported on time to Dr. David Thompson's office on July 11, 2022 and he confirmed that no true threats were made.

*"She [Ms. Huiras] confirmed, however, that Mr. Huiras never made direct physical threats toward her. Mr. Huiras presents as a loving father who recognizes the importance of ongoing contact with his children. I see no reason that he cannot be assisted in understanding the importance of effective co-parenting, actively working to maintain the children's positive relationship, with all family members, and taking active steps to improve his problem-solving skills to those ends... I was asked to assess the extent to which any psychiatric issues present for Mr. Huiras might impact his ability to safely and effectively coparent his children. It is my opinion that he can safely coparent his children. I recommend that Mr. Huiras return to video-based contact with his children as soon as possible.. I was asked to assess the extent to which any psychiatric issues present for Mr. Huiras might impact his ability to safely and effectively coparent his children. It is my opinion that he can safely coparent his children."* -Dr. David Thompson

The below meritless claim in the Respondent Brief was made in bad faith by people who evade the constitution. It's an attempt by the parties of the Title IV-D administrative Racine County case to deny my right to access courts and petition my grievances. This finding has had a **CHILLING EFFECT** on my first amendment United States Constitutional right (**California Motor Transport Co. v. Trucking Unlimited, 404 US 508 – Supreme Court 1972)** to petition my grievances to a court of law.

*Respondent Brief - "Finding [Mr. Huiras] in contempt of court for failing to comply with orders not to engage in harassment of the professionals in this case. [Mr. Huiras] filed a complaint in Federal Court, Eastern District of Wisconsin, Case No. 22-CV-575, naming, among others, all of the professionals named in this case, including Judge Cafferty, Attorney Norris, [family court worker Andrew] Patch, and Ms. Huiras's attorney as defendants"*

**Molski v. Evergreen Dynasty Corp., 500 F. 3d 1047 - Court of Appeals, 9th Circuit 2007** *– In summary, we reemphasize that the simple fact that a plaintiff has filed a large number of complaints, standing alone, is not a basis for designating a litigant as "vexatious." **De Long, 912 F.2d at 1147; In re Oliver, 682 F.2d 443, 446 (3d Cir.1982)**. We also emphasize that the textual and factual similarity of a plaintiff's complaints, standing alone, is not a basis for finding a party to be a vexatious litigant.*

"Mr. Huiras did not timely appeal the July 1, 2022 Contempt Order finding him in contempt of court." – Respondent Brief

This would have only been an interlocutory appeal. Also please see Exhibit C where the Petitioner-Respondent attorney filed another unsigned proposed order that violates the Wisconsin Court of Appeals orders established as law of this case. They have found it as "overtrial" to file an interlocutory appeal on Racine Circuit Court temporary orders that have no merit in law. This has had a CHLLING EFFECT on my freedom of speech right to petition the appeals court my grievances.

***Wisconsin Court of Appeals Ordered NO COSTS on Case 2022AP000373.***

OCCD CA 03-11-2022

Petition for Leave to Appeal
Supporting Memorandum Amended Final Version

Filed By: Nathan Huiras
Submit Date: 3-23-2022
Decision: (D) Deny
Decision Date: 4-14-2022
IT IS ORDERED the motions to dismiss the amended petition for leave to appeal are denied.
IT IS FURTHER ORDERED that the petition for leave to appeal is denied, without WIS. STAT. RULE 809.50(2) costs.

**Wisconsin Court of Appeals Ordered NO COSTS on Case 2022AP000974.**

OCCD CA 06-10-2022

Petition for Leave to Appeal
Supporting Memorandum

Filed By: Nathan Huiras
Submit Date: 6-13-2022
Decision: (D) Deny
Decision Date: 6-21-2022
IT IS ORDERED that the petition for leave to appeal is denied without costs.

**Wisconsin Court of Appeals Ordered NO COSTS on Case 2022AP001023**

OCCD CA 06-20-2022

Petition for Leave to Appeal
Supporting Memorandum

Filed By: Nathan Huiras
Submit Date: 6-21-2022
Decision: (D) Deny
Decision Date: 6-28-2022
IT IS ORDERED that the petition for leave to appeal is denied without costs.
IT IS FURTHER ORDERED that the motion for summary disposition is denied as moot.

## CONCLUSION

The Racine County Case 2021FA000592 Administrative Title IV-D created Family Tribunal did not specify if any of the sanctions in the harassment contempt order (Exhibit B) were remedial, therefore the 30-day jail sentence ordered was a punitive sanction. A Punitive sanction for harassment requires a separate cause of action at law petition. The 2021FA000592 equity action cannot violate procedural due process and magically change their proceeding to an action at law for the cause of action of harassment. The Circuit court clearly did not have reasonable grounds to order a punitive sanction when they deceptively attempted to order the Appellant-Respondent to 30 days in jail without a remedial sanction. The Appellant-Respondent has complete immunity to his constitutional procedural due process rights, therefore the final order decision appealed is constitutionally VOID.

Respectfully Submitted on this 1st Day of February 2023

Nathan J Huiras, In Propria Persona