WISCONSIN SUPREME COURT
COURT OF APPEALS
DISTRICT II

State of Wisconsin ex rel.
Nathan Huiras,
Appellant

v.

Megan McGee Norris,
Respondent

District: 2
Case No. 2023AP001443

Circuit Court Case No. 2023CV000522

County: Racine
Circuit Court Judge: David Reddy
Jurisdiction: Court of Law

Magistrate(s): 3 Judge Panel

APPELLATE BRIEF

To: Wisconsin Court of Appeals For the Second District

I, Nathan Huiras, am a fit and loving parent in SUI JURIS. Defendant Megan McGee Norris's malicious misrepresentations of my character injured my private fundamental liberty interest right to care and custody of my biological offspring. Therefore, I have a right to petition the government to redress my grievances. This constitutionally protected activity shall not result in sanctions. It was not frivolous to sue the woman who took my children from me through fraud, misrepresentation and vindictiveness.

TABLE OF CONTENTS

STATEMENT OF ISSUES

I. The Appellant is not barred from suing malicious guardian ad litems.
II. Guardian Ad Litems are not to give mental health assessments.
III. Guardian Ad Litems do not have a right to blatantly misrepresent a parent.
IV. Guardian Ad Litems do not have a right to demand therapy notes from parties to an action affecting the family.
V. No Parent should pay guardian ad litem fees to an adversarial attorney who commits malicious acts against them. Constitutional Challenge to **Wisconsin Statute 767.407(6)**

TABLE OF AUTHORITIES

Wisconsin Constitution Article I 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."*

STATEMENT OF FACTS

1. On August 27th, 2021, Megan McGee Norris was assigned and compelled upon the Appellant as a guardian ad litem attorney.

2. On October 1st, 2021, Megan McGee Norris acted as a witness (**Supreme Court Rules of Conduct 20:3.7**) to the De Novo trial proceeding scheduled for October 19th, 2021 in Case 2021FA000592 by filing an affidavit against the Appellant (Exhibit B) as a supporting document to a proposed Ex Parte Order where she deprived the Appellant his constitutional right to see his children in the privacy of his home without any evidence besides a "series of coincidences" allegation as her reasoning.

3. On October 4th, 2021, before the De Novo hearing the Case 2021FA000592 official signed the bogus Ex Parte Order (**R16**) to remove custody and placement from the Appellant without presenting clear and convincing evidence to support this deprivation of rights.

4. On October 19th, 2021, Attorney Megan McGee Norris performed a mental health assessment (Exhibit B2) on the Appellant accusing him of being mentally unstable in her letter to the court. She also made an allegation in her reckless disregard for the truth calling his mental health "unchecked" while he was under the attendance of a Therapist and a Medical Doctor that had concluded that the Appellant was mentally stable. She also insisted on a Psychological Evaluation without providing any sort of Notice of Motion for the evaluation as directed by guardian ad litems to do in the Wisconsin Bar GAL Guidelines (Exhibit B1).

5. On November 22nd, 2021, the Appellant shared some medical records with Megan McGee Norris from a group therapy treatment that he proactively participated in so that he could gain insight into his mental health. Megan McGee Norris reviewed these records and indicated that she was now ok with increasing placement with my biological offspring.

6. On Wednesday, December 8th, 2021, the mother violated the October 19th, 2021 stipulation and order made between the parties where she vetoed increased child placement for the Appellant. Megan McGee Norris contradicted the stipulation in an email stating that "we need Jessica on board" to increase placement which is completely contrary to the stipulation that the parties agreed to on October 19th, 2021 (Exhibit C). Megan McGee Norris willfully disobeyed this stipulation and order and gave the mother full veto (In violation of the October 19th Stipulation and Order) power going forward to let her veto increased child placement while billing thousands of dollars of fees against the Appellant in Case 2021FA000592. She continued to allow the mother to violate court orders while accusing the Appellant of being mentally unwell for resisting her authority.

7. On December 21st, 2021, the Appellant motioned to enforce the stipulated order between the parties where the mother blatantly violated the stipulation by vetoing expansion of placement. (Exhibit C1).

8. On December 22nd, 2021, Megan McGee Norris fraudulently conveyed the Appellant (Exhibit C2) in a letter to the court of being mentally unstable in her layman's mental health opinion with no medical basis for this medical conclusion.

9. On January 13th, 2022, Megan McGee Norris claimed on court record that "I treated this case kind of like a CHIPS case" (**R23**) in (Exhibit D). In a CHIPS case the Appellant would receive the common law right to a jury.

10. On February 14th, 2022, Appellant warned the Respondent who willfully participated in this sham as a profiteer via Color of Law Violation (**28 U.S. Code § 1343(a)**) papers personally served by a process server (Exhibit E).

11. On or near February 15th, 2022, Megan McGee Norris took service (Exhibit F) personally from the Appellant's process server and wrote a letter to the court accusing the Appellant of being mentally unstable for his oppositional defiance of her stating *"The evidence of his mental deterioration is in his pleadings. He is clearly not a stable individual."*

12. On or near February 15th, 2022, Megan McGee Norris made a gender biased remark (Exhibit F) in her published letter on public record indicating that Appellant should not be entitled to constitutional parental protections because I am heterosexual white male. – *"Mr. Huiras is a white man, ending a heterosexual relationship, with employment that allows him to make a substantial amount of money– many of the protections and articles he cites are to ensure members of other races, sexes, and sexual orientations receive the same treatment that people of his makeup typically receive."*

13. At approximately 11:00 am on February 15th, 2022, while the Appellant was located in his Individual Property home, he was in therapy with his Licensed Professional Counselor where his practice specializes helping men with children who are suffering from Parental Alienation Child Abuse committed by guardian ad litems and mothers. (Exhibit G).

14. On February 16th, 2022, during a scheduled Status Conference Megan McGee Norris displayed a

reckless disregard for the truth during this hearing accusing the Appellant of being at her home at approximately 11:10 am on February 15th, 2022. Respondent adversely advocated to remove all child contact from me due to concerns and allegations without any specific findings of evidence that contained any logic or reason as to why removing all child placement from the me was in the Best Interest of the Child.

15. Also on February 16th, 2022, Megan McGee Norris coerced and threatened me with contempt of court for not completing a psychological evaluation to be performed by Child Psychologist Dr. Allison Kravit. She threatened (Document 96 of Case 2021FA000592) me that I only could purge the contempt conditions by "completing the psychological evaluation".

16. Also on February 16th, 2022, Respondent Megan McGee Norris attempted to imprison the Appellant by filing a motion for contempt of court titling the document as "Affidavit" in Document 96 of Case 2021FA000592. The vindictive Respondent claimed that the State of Wisconsin Child Support Agency is a party to the 2021FA000592 action in her sworn and signed affidavit (Exhibit G1).

17. On March 1st, 2022, the court appointed Doctor of Psychology Dr. Allison Kravit completed her psychological evaluation of the Respondent/Father. She gave her medical expert opinion on the Best Interest of the Child standard directed by **Wisconsin Statute 767.41(5)**. Specifically, regarding the factor that Megan McGee Norris called the "Most important factor" of Best Interest of the Child, Dr. Allison Kravit stated – "*Mr. Huiras's mental health does not preclude him from having placement, as he's consistently shown that he's a good father and attentive to the children… Because of their age, it is important that a connection remains strong between the children and both parents as to not create attachment injury*"

18. On March 8th, 2022, Case 2021FA000592 ordered to remove all child contact from the Appellant in complete violation of **Wisconsin Statute 767.225(1)(am)** because the order did not contain any specific findings of fact showing why placement is below 25%.

19. On March 22nd, 2022, the Appellant motioned to remove Megan McGee Norris as the guardian ad litem for her obvious misconduct and misrepresentations of the Respondent/Father with intent to inflict Emotional Distress upon him.

20. On March 24th, 2022, the Appellant filed notice of the Wisconsin Bar GAL practice guidelines to remind Megan McGee Norris to stay within the scope of her agency.

21. On March 25th, 2022, Megan McGee Norris claimed (Exhibit G2) that – "At no point have I been sworn to give Testimony". This is a clear misrepresentation. The guardian ad litem has provided sworn and signed affidavits multiple times in this proceeding. She also claimed "the children are not in need of protection or services" contradicting her earlier assertion on January 13th, 2022, that she was treating this case like a CHIPS case.

22. On March 28th, 2022, the Appellant completed a Parent/Toddler certification class and attempted to admit this certification into evidence. Megan McGee Norris concealed this certification from the court.

23. On March 31st, 2022, the Appellant attempted to admit into evidence (**R27**) supervised visits with his children at Hope Council where his interaction with the children was "always appropriate". Megan McGee Norris fraudulently conveyed my interactions with the children at Hope Council as "egregious".

24. On April 4th, 2022, the gender biased Megan McGee Norris filed a misrepresenting letter (Exhibit H) to the court claiming – "I have a real concern for the safety and wellbeing of the children if left with Mr. Huiras" when his children have never been in any threat to imminent danger under my care.

25. On May 12th, 2022, the Appellant served a subpoena for Dr. Kravit to appear and testify at the next scheduled hearing to affirm her statement – *"Mr. Huiras's mental health does not preclude him from having placement, as he's consistently shown that he's a good father and attentive to the children… Because of their age, it is important that a connection remains strong between the children and both parents as to not create attachment injury"*

26. On May 17th, 2022, Megan McGee Norris filed an ex-parte motion to quash the subpoena (Exhibit H1) for Dr. Kravit to testify because Dr. Kravit's expert opinion did not fit her fictional narrative of prejudice that she intended to inflict upon the Appellant.

27. On May 18th, 2022, Megan McGee Norris attempted to put the Appellant in jail calling her contempt motion "harassment" to file a Federal Complaint on her abridging my Wisconsin Constitutional Declared right to Petition the Government. The Honorable Pamela Pepper in Federal Eastern District of Wisconsin Case No. 22-cv-575-pp did not find any evidence of bad faith or harassment in her examination of the Appellant's complaint.

28. On July 15th, 2022, Megan McGee Norris attempted to deny the Appellant his parental right to view his children's medical records (**R25**) by filing Exhibit I.

29. On December 5th, 2022, Megan McGee Norris demanded the Appellant's therapy notes which injured his therapy patient privilege in Exhibit J.

30. On December 27th, 2022, the Appellant selected a book to read to my two adorable children titled "I Love You, Dad! By Iris Hiskey. Megan McGee Norris objected to the reading of this book calling the book inappropriate (Exhibit K).

31. On March 16th, 2023, Megan McGee Norris in her final recommendation (Exhibit L) to the 2021FA000592 proceeding made a recommendation to the court to charge the Appellant with child abuse without any facts to support such an extreme claim. The GAL's claim was unsubstantiated.

32. On March 31st, 2023, the closing arguments were given in the "Contested Divorce" proceeding that was not a trial at law.

33. On April 24th, 2023, Megan McGee Norris attempted to put the Appellant in debtors prison jail for ordering expert witness fees solely upon the Appellant for an expert witness that she called to the stand to testify in the contested divorce proceeding.

34. On April 26th, 2023, Megan McGee Norris attempted to extort over $19,000 in guardian ad litem fees from the Appellant when she filed a proposed judgment (Exhibit M) without signing the pleading. A document filed by an attorney requires an attorney signature.

35. On May 5th, 2023, the Appellant petitioned for Declaratory Judgment against the respondent for violating his rights (**R2**). He did not ask for any money in the petition (Exhibit A1). Case 2023CV000522 was created.

36. On May 9th, 2023, special judicial assignment was ordered. Judge David Reddy from Walworth County, WI was assigned to the trial court case (**R5**)

37. On May 26th, 2023, the respondent motioned to dismiss (**R13**) the petition and claimed it was a frivolous petition.

38. On June 1st, 2023, the Appellant properly objected (**R19,R20**) to the Respondent's motion to dismiss.

39. On June 29th, 2023, the trial court dismissed the case (**R48**, Exhibit A3) explaining that guardian ad litems explaining that all actions by a guardian ad litem even when malicious are subject to immunity.

40. On July 28th, 2023, the United States Court of Appeals (**R43**) found it as fact (Exhibit O) that the guardian ad litem lied about the Appellant's mental health. They evaded jurisdiction, however, and directed the Appellant to handle the issue in state court.

41. On August 29th, 2023, the respondent insisted on sanctioning the Appellant for the constitutionally protected act of petitioning the government (Exhibit P).

42. On September 14th, 2023, the Appellant property objected to the motion for sanctions stating that no man or woman is above the law. The judge chose to align with his fellow Wisconsin BAR association member and stated on the record that Megan McGee Norris shall not be liable for malicious behavior. The trial court excessively fined the Appellant $9,739.86 in sanctions.

43. On September 19th, 2023, the trial court placed a "Default Judgment" upon the Appellant for no apparent reason. The Appellant was present for all court hearings. Therefore, the trial court ordering a "Default Judgment" does not make any logical sense.

STATEMENT OF THE DISPOSITION OF THE CASE

The Appellant petitioned for Declaratory Judgment against the guardian ad litem intelligently and without any frivolity, but the Bar Association member judge chose to rule that the act of petitioning the government against a malicious guardian ad litem is frivolous. It is not harassment to sue a guardian ad litem who blatantly lied and misrepresented the Appellant on court record. The Appellant has the right to document the poor behavior and shall not be abridged from petitioning the government (**Wisconsin Constitution Article I Section IV**).

ARGUMENT ON ISSUE #1: The Appellant is not barred from suing a malicious guardian ad litem.

The Trial Court cloaked themselves to **Paige KB v. Molepske, 580 NW 2d 289 - Wis: Supreme Court 1998** stating that guardian ad litems have absolute immunity to liability for any of their actions in a divorce case. The State of Wisconsin clearly states on their Statutes web page that guardian ad litems are only immune to negligence.

https://docs.legis.wisconsin.gov/statutes/statutes/767/v/407

Quasi-judicial immunity extends to a guardian ad litem's negligent performance in a divorce proceeding. Paige K.B. v. Molepske, 219 Wis. 2d 418, 580 N.W.2d 289 (1998), 96-2620.
Under sub. (6), if only one of the parties is indigent, the court may not order the county or the indigent party to pay guardian ad litem fees. The court's only option is to order the non-indigent party to pay. Olmsted v. Circuit Court, 2000 WI App 261, 240 Wis. 2d 197, 622 N.W.2d 29, 00-0620.
The quasi-judicial immunity of a guardian ad litem described in *Paige K.B.*, 219 Wis. 2d 418 (1998), applies only to liability for the negligent performance of the guardian ad litem's duties, not as a shield against court-imposed sanctions for failure to obey a court order. Evans v. Luebke, 2003 WI App 207, 267 Wis. 2d 596, 671 N.W.2d 304, 02-2210.

The facts presented by the Appellant clearly show that the guardian ad litems actions went beyond negligence. The United States Court of Appeals found it as fact that the guardian ad litem lied on court record (Exhibit O). No man or woman is higher than the law. Government officials shall be liable if their acts are intentional and premediated towards harming someone. (**United States v. Lee, 106 U. S., at 220, Butz v. Economou, 438 US 478 - Supreme Court 1978**). Guardian Ad litems can be liable if they go outside the scope of their duties (**R22**) (**Jones v. Brennan, 465 F. 3d 304 - Court of Appeals, 7th Circuit 2006**). It is never in the best interests of a child to misrepresent a parent in an action affecting the family.

Those seeking to vindicate their rights in court enjoy a constitutional right of access to the courts that prohibit state actors from impeding one's efforts to pursue legal claims. (**May v. Sheahan, 226 F. 3d 876 - Court of Appeals, 7th Circuit 2000**); **Lewis v. Casey, 518 U.S. 343, 350-54, 116 S.Ct. 2174, 135 L.Ed.2d 606 (1996); Bounds v. Smith, 430 U.S. 817, 821-23, 97 S.Ct. 1491, 52L.Ed.2d 72 (1977)**

ARGUMENT ON ISSUE #2 - Guardian Ad Litems are not to give mental health assessments.

A trial court's opinion on mental health is a layman's opinion (**In re Paternity of Stephanie RN, 498 NW 2d 235 - Wis: Supreme Court 1993**) Megan McGee Norris is not licensed in psychology and is not qualified to determine whether a parent is mentally stable or not. It is beyond the scope of a guardian ad litem's role to give a professional medical opinion that conflicts with practicing Doctors of Psychology. The Respondent chose to conceal medical evidence clearly showing that the Appellant was stable and instead forced her own layman's opinion upon the court creating prejudice against the Appellant costing him the care and custody of his biological offspring.

ARGUMENT ON ISSUE #3 - Guardian Ad Litems do not have a right to blatantly misrepresent a parent.

Guardian Ad Litem recommendations shall only be based on facts and expert opinions **Haugen v. Haugen, 82 Wis.2d 411 (1978).** Megan McGee Norris chose to value her own biases instead of sticking to the facts and expert opinions. Guardian Ad Litems do not have a right to act as a witness to the proceeding and

blatantly lie on court record (**Hollister v. Hollister, 173 Wis. 2d 413, 496 N.W.2d 642 (Ct. App. 1992**). That is obviously not within the scope of their duties. Guardian ad litems are paid hundreds of dollars per hour and incentivized to create controversy when it is in the best interests of the child to achieve custody peace. The act of blatantly misrepresenting a parent shall have consequences for guardian ad litems. Parents deserve accountability for these overpaid attorneys that rarely practice law in actions affecting the family. No parent should have to pay over $19,000 in guardian ad litem fees for bad faith county paid actors to adversely misrepresent them. $19,000 in guardian ad litem fees is an excessive fine in violation of the **Eighth Amendment of the United States Constitution**. When an attorney acts maliciously and with vindictiveness a petitioner has a right to aver those facts to a jury (**Strid v. Converse, 331 NW 2d 350 - Wis: Supreme Court 1983**)

ARGUMENT ON ISSUE #4 - Guardian Ad Litems do not have a right to demand therapy notes from parties to an action affecting the family.

Nowhere does it state in **Wisconsin Statute 767.407** that guardian ad litem has the right to demand a parent's therapy notes. In fact, the act of demanding notes from these private conversations is a violation of the Federal Rules of Evidence (**Jaffee v. Redmond, 518 US 1 - Supreme Court 1996**). This is common sense and doesn't need to be argued any further.

ARGUMENT ON ISSUE #5 – No Parent should pay guardian ad litem fees to an adversarial attorney who commits malicious acts against them. Constitutional Challenge to Wisconsin Statute 767.407(6)

The respondent guardian ad litem refused to convey the wishes of the Appellant's children in the underlying action affecting the family. Why should any parent have to pay for a guardian ad litem who refuses to perform the basic functions of her role? Guardian Ad Litem's are good at creating billable hours, but that's about all that Megan McGee Norris achieved in Case 2021FA000592. A parent should have a legal remedy for a guardian ad litem that so willfully violates parental rights by defaming their character and stripping them of their dignity. No parent shall be excessively fined guardian ad litem fees for an adversary and biased bad faith state actor. **Wisconsin Statute 767.407(6)** is a violation of the **United States Constitution Eighth Amendment** as an excessive fine to parents who just want fairness in child custody proceedings. Attorney Norris refused to sign the pleading that rewarded her these excessive fees. This defective pleading in fundamental to loss of personal jurisdiction (**Schaefer v. Riegelman, 639 NW 2d 715 - Wis: Supreme Court 2002**)

REQUEST FOR RELIEF

Appellant requests relief that the above titled court VACATES all money judgments awarded in Case 2023CV000522.

Appellant requests that the trial court case final order is REVERSED and REMANDED for further proceedings.

CONCLUSION

The Appellant brought facts to the trial court case that clearly showed that the guardian ad litem acted with intent and malice towards him. The Appellant argued these facts intelligently presenting good case law. Therefore, the Case 2023CF000522 petition was not frivolous (**Sommer v. Carr, 299 NW 2d 856 - Wis: Supreme Court 1981**). No reasonable jury finding fact would find the Appellant's petition frivolous. The Trial Court official is a member of the Wisconsin BAR association in alliances with the respondent guardian ad litem's membership. The official chose to put his bias and allegiance towards the British Accredited Registry. This is why juries should find fact and not judges. Guardian Ad Litems are not immune to their vindictive and malicious behavior. The scope of **Paige KB v. Molepske, 580 NW 2d 289 - Wis: Supreme Court 1998** is negligence only. Guardian Ad Litems are not to conceal the wishes of the child and they are also not to go outside the scope of their authority or they shall be liable for their actions.

Therefore, the trial court case shall be REVERSED and REMANDED for further proceedings.

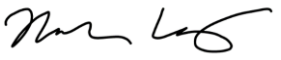
VERIFICATION

The Appellant acting in Pro Per has displayed facts clearly showing that his private fundamental liberty interests were deprived without a due process fact finding jury. Therefore, his argument need not be artful, and his pleadings shall be liberally construed. **Erickson v. Pardus, 551 US 89 - Supreme Court 2007**

STATEMENT ON ORAL ARGUMENT/PUBLICATION

I, Nathan Huiras, am competent to testify in Oral Argument. I do believe Oral Argument is necessary on this matter. This should be published.

Sincerely submitted on the 6th day of October 2023 without any ill will, vexation, or frivolity.



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