

☐ Amended**INJUNCTION – Harassment**

(Order of Protection - 30711)

10 CV 1611

Case No. **PETITIONER/PROTECTED PERSON**

Name of Petitioner (First, Middle, Last)

Daryl J Schmidt

Name of Protected Person (if different than Petitioner)

Date of Birth of Protected Person

11-13-62**-VS.-****RESPONDENT/DEFENDANT**

Name of Respondent/Defendant (First, Middle, Last)

JILL M. FERGUSON

Respondent's/Defendant's Street Address, City, State, Zip

SEX	RACE	DOB	HT	WT
<u>F</u>	<u>W</u>	<u>4-16-53</u>	<u>5-5</u>	<u>141</u>

HAIR COLOR

EYE COLOR

WHITEBLRespondent's/Defendant's Distinguishing Features
(such as scars, marks or tattoos)☐ None known.

Please specify Petitioner/Protected Person's relationship(s) to Respondent/Defendant:

- | | | |
|---|--------------------------------------|---|
| <input type="checkbox"/> spouse | <input type="checkbox"/> cousin | <input type="checkbox"/> adoptive parent |
| <input type="checkbox"/> former spouse | <input type="checkbox"/> sibling | <input type="checkbox"/> grandparent |
| <input type="checkbox"/> person in dating relationship | <input type="checkbox"/> parent | <input type="checkbox"/> child (biological/adoptive/step) |
| <input type="checkbox"/> current or former live-in relationship | <input type="checkbox"/> step parent | |
| <input type="checkbox"/> other: (be specific) <u> </u> | | |

CAUTION:

(Check all that apply)

- ☐ Respondent/Defendant has access to weapon(s). Type of weapon(s):
- ☐ Location of weapon(s):
- ☐ Weapon(s) were involved in an incident (past or present) involving me.

THE COURT FINDS:

Findings are on the following page(s) of this injunction.

THE COURT ORDERS:

Orders are on the following page(s) of this injunction.

THIS INJUNCTION SHALL BE EFFECTIVE UNTIL

Not to exceed 4 years

NOTIFICATIONS/WARNINGS TO RESPONDENT/DEFENDANT:

This order shall be enforced, even without registration, and is entitled to full faith and credit in every civil or criminal court of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265; Wis. Stats. 813.128). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. 922(g)(8). Additional notifications/warnings are on the following page of this injunction.

Violation of this order shall result in immediate arrest and is punishable by imprisonment not to exceed 90 days or a fine not to exceed \$1,000, or both, and payment of filing and service fees.

Only the court can change this order.

THE COURT FINDS:

1. The petitioner has filed a petition alleging harassment under §813.125, Wisconsin Statutes.
2. This court has personal and subject matter jurisdiction. The respondent has been properly served and had an opportunity to be heard.
3. There are reasonable grounds to believe the respondent has engaged in harassment with intent to harass or intimidate the petitioner as defined in §813.125, Wisconsin Statutes.
- ☐ 4. The petitioner requested the respondent be ordered to surrender his/her firearm(s).
There ☐ is ☒ is not clear and convincing evidence that the respondent may use a firearm to cause physical harm to another or to endanger public safety.

THE COURT ORDERS THE RESPONDENT:

- ☒ 1. Cease or avoid the harassment of the petitioner.
- ☒ 2. Avoid the residence and/or any premises temporarily occupied by the petitioner.
- ☒ 3. Avoid contact that harasses or intimidates the petitioner. Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner. *No 3rd person use by Respondent.*
- ☒ 4. Other: *(list specific prohibited conduct or conduct that is substantially similar to that noted in the petition)*
Respondent may NOT use internet in any manner to communicate about Petitioner ever again.

☐ THE COURT FURTHER ORDERS:

(This order only applies if finding #4 above has been checked and the court has found by clear and convincing evidence that the respondent may use a firearm to cause physical harm to another or to endanger public safety.)

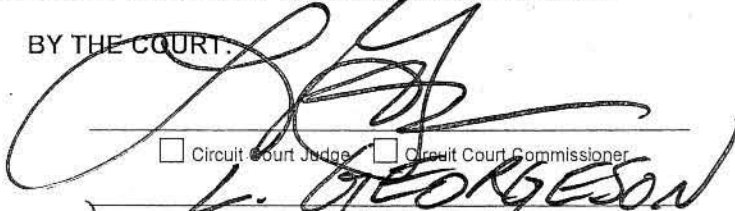
The respondent is prohibited from possessing a firearm until the expiration of this injunction. Possession of a firearm is a Class G Felony punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both. A respondent may retain a firearm only if the respondent is a peace officer and only to the extent required by the peace officer's employer. The respondent shall immediately surrender any firearm(s) that he or she owns or has in his or her possession to:

- ☐ the sheriff of this county.
☐ the sheriff of the county in which the respondent resides: _____
☐ another person: (Name and Address) _____

Note: Court shall complete CV-432 – Notice of Firearms Possession Penalties and send to the third party unless the third party is personally served in court.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

☒ The respondent was present in court and personally served with a copy of this order.

BY THE COURT: 

☐ Third party was present in court and served with CV-432.

☐ Circuit Court Judge ☐ Circuit Court Commissioner

L. GEORGESON
Name Printed or Typed

DISTRIBUTION:

1. Original - Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other: _____

5. All Websites including 4-32-10.
www.darylschmidt-physicaltherapist.com must be removed immediately & No Future websites may be created or posting on other websites regarding Petitioner shall ever be made by Respondent.

6. No Media or licensing agency contacts re Petr permitted by Respondent.

STATE OF WISCONSIN, CIRCUIT COURT, WAUKESHA

COUNTY

For Official Use

Petitioner: DARYL J. SCHMIDT☐ AmendedProtected Person:
(If different from Petitioner) _____Petition for
Temporary Restraining
Order and/or Injunction

(Harassment - 30711)

Date of Birth of
Protected Person: _____-VS-
Respondent/
Defendant: JILL M. FERGUSONAddress: 611 N 66thWauwatosa, WI 53213

Case No. _____

If there is a CHIPS proceeding involving the child or the respondent is a minor, Use JC-1693. Do not use this form.

Respondent's:	Sex	Race	Date of Birth	Height	Weight	Hair color	Eye color
	F	W	4/16/1952	5'5"	145	BL	Blue

Please specify Protected Person's relationship(s) to Respondent/Defendant:

☐ spouse ☐ cousin ☐ adoptive parent

☒ former spouse ☐ sibling ☐ grandparent

☐ person in dating relationship ☐ parent ☐ child (biological/adoptive/step)

☐ current or former live-in relationship ☐ step parent

☐ other: (be specific) _____

Respondent's Distinguishing Features:
(such as scars, marks or tattoos)

☒ None known.

CAUTION:
(Check all that apply)

- ☐ Respondent has access to weapon(s). Type of weapon(s): _____
- Location of weapon(s): _____
- ☐ Weapon(s) were involved in an incident (past or present) involving me.

UNDER OATH, I PETITION THE COURT for a temporary restraining order/or and injunction against the respondent under §813.125, Wisconsin Statutes, based on the following:

- (Name of alleged victim) Daryl J. Schmidt is the alleged victim of harassment.
- Stated below or attached as part of this petition is a statement of facts indicating that respondent has engaged in conduct which is believed to be harassment.

(Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engaging in an act that would constitute child abuse under §48.02(1); or (c) Sexual assault under §940.225; or (d) Stalking under §940.32; or attempts or threat to do same; or (e) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person and which serve no legitimate purpose.)

(State when, where, what happened, and who did what to whom)

☒ See attached

I REQUEST THAT THE COURT: (mark any of the following boxes that apply)

- ☒ 1. Issue a temporary restraining order requiring the respondent to:
- ☒ a. cease or avoid harassing me.
- ☒ b. avoid my residence and/or any premises temporarily occupied by me.
- ☒ c. avoid contact that harasses or intimidates the petitioner. Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.

☒ d. other: (list other specific behavior you want the respondent to stop doing)
 1. The respondent shall not attend the dinner honoring the petitioner as the 2009 Physical Therapist of the Year which is scheduled to be held in Green Bay, Wisconsin, on April 16, 2010, and shall not picket the venue where said event is being held or engage in any conduct designed to interrupt said dinner or to harass or injure the petitioner in any manner.

2. The respondent shall not utilize the internet to harass the petitioner, including creating any websites about the petitioner and posting comments regarding the petitioner on third-party websites.

☒ 2. Set a time for a hearing on the petition for an injunction, if the temporary restraining order is granted, requiring the respondent to:
☒ a. cease or avoid harassing me.
☒ b. avoid my residence and/or any premises temporarily occupied by me.
☒ c. avoid contact that harasses or intimidates the petitioner. Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.

☐ d. other: (list other specific behavior you want the respondent to stop doing)
 The respondent shall not attend the dinner honoring the petitioner as the 2009 Physical Therapist of the Year which is scheduled to be held in Green Bay, Wisconsin, on April 16, 2010, and shall not picket the venue where said event is being held or engage in any conduct designed to interrupt said dinner or to harass or injure the petitioner in any manner.

2. The respondent shall not utilize the internet to harass the petitioner, including creating any websites about the petitioner and posting comments regarding the petitioner on third-party websites.

☒ 3. Issue an injunction against the respondent, if the temporary restraining order is granted, for four years or the following shorter period _____; and
☐ a. not order the respondent to surrender his/her firearm(s); OR
☒ b. order the respondent to surrender and not possess a firearm while the injunction is in effect because I believe that the respondent may use a firearm to cause physical harm to another or endanger public safety.

Distribution:

1. Original - Court
2. Petitioner/Protected Person
3. Respondent/Defendant
4. Law Enforcement
5. Other: _____

Subscribed and sworn to before me

on 4/9/2010
Deb Huber
 Notary Public, State of Wisconsin

My commission expires: 8/29/2010

Daryl Schmidt
 Petitioner/Protected Person
Daryl Schmidt
 Name Printed or Typed

4/9/2010
 Date

11910AC01

