

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

JOHN DOE 1 % JEN LAW FIRM, APC,

Creditor/Plaintiff,

vs.

Case No. 23-FJ-2

PATRICK S. TOMLINSON,

Debtor/Defendant.

AFFIDAVIT IN SUPPORT OF MOTION FOR CONTEMPT

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE)

I, David J. Pawlowski, being first duly sworn, on oath, state on personal knowledge:

1. I am an adult resident of the state of Wisconsin and am one of the attorneys representing Plaintiff John Doe 1 % Jen Law Firm, APC ("John Doe"), in the above-captioned action. I make this affidavit on the basis of my personal knowledge.

2. On September 30, 2021, Plaintiff/Creditor was granted a Judgment against the Defendant/Debtor Patrick S. Tomlinson in Case Number CPF-21-517455, in the Superior Court for the State of California in the County of San Francisco, said Court being a Court of general jurisdiction then and there having jurisdiction over the Parties and the subject matter of the Action. An authenticated and exemplified copy of the Abstract of Judgment is attached hereto and is made a part hereof as Exhibit A and an

authenticated and exemplified copy of the Memorandum of Costs After Judgment, Acknowledgement of Credit, and Declaration of Accrued Interest is attached hereto and is made a part hereof as Exhibit B.

3. The Judgment balance through September 30, 2021, is \$23,739.25, *see* Exhibit A, plus costs in the amount of \$7,124.55 and accrued interest in the amount of \$1,846.00, *see* Exhibit B, resulting in a total outstanding balance due and owing from Defendant/Debtor to Plaintiff/Creditor in the amount of \$32,709.80.

4. Since the Plaintiff/Creditor obtained the judgment, Mr. Tomlinson has made no efforts to pay the debt. As a result, the Plaintiff/Creditor hired me to docket the judgment and collect on the outstanding debt. A true and correct copy of the docketed judgment is attached hereto as Exhibit C.

5. On March 15, 2023, Honorable Peter Hemmer, Court Commissioner in Milwaukee County, signed the Order for Supplemental Examination, calling for Patrick S. Tomlinson to appear at the Hemmer Law Offices, LLC, on Wednesday, April 19, 2023, at 1:30 p.m. Attached hereto as Exhibit D is the Order for Supplemental Examination.

6. On March 30, 2023, the Defendant, Patrick S. Tomlinson, was served the signed Order for Supplemental Exam, signed and notarized Affidavit in Support of Order for Supplemental Examination, and Plaintiff's First Set of Written Interrogatories and Request for Production of Documents to Discover Defendant's Financial Condition. *See* Exhibit E, Affidavit of Service.

7. On April 19, 2023, I appeared at the Hemmer Law Offices, LLC in Milwaukee, Wisconsin prepared to take the supplemental examination of Mr.

Tomlinson at 1:30 p.m. Mr. Tomlinson failed to appear. Mr. Tomlinson did not attempt to contact West & Dunn, the plaintiff, nor Hemmer Law Offices, LLC to explain his absence.

8. Two days after the scheduled supplemental examination, on April 21, 2023, Mr. Tomlinson filed a petition to amortize debts pursuant to Wis. Stat. § 128.21, initiating Milwaukee County Case No: 23-CV-2836. *See* Exhibit F, Petition to Amortize Debts.

9. Filed contemporaneously with Mr. Tomlinson's petition was an affidavit of debts. This affidavit lists a single creditor, Doe 1 c/o Jen Law Firm, APC, John, aside from the debtor's currently retained counsel. Attached hereto as Exhibit G is the Affidavit of Debts filed in case no. 23-CV-2836..

10. As a result of this filing, the plaintiff could not file a motion to compel or a motion for sanctions following Mr. Tomlinson's disregard of a court order.

11. During the period following the issuance of the judgment in CPF-21-517455, in the Superior Court for the State of California in the County of San Francisco, the petitioners made numerous and repeated statements to the creditor and to the public regarding their refusal to satisfy the judgment. A true and correct copy of a portion of these statements is attached hereto as Exhibit H.

12. On June 20, 2023, Mr. Tomlinson's petition, Milwaukee County Case No. 23-CV-2836, was dismissed on a motion from the Ch128 trustee. *See* Exhibit I, Dismissal Documents.

Dated this 13th day of July, 2023.

David J. Pawlowski
David J. Pawlowski
Attorney for Plaintiff

Subscribed and sworn to before me
this 13th day of July, 2023.

Emily A. Walker

Notary Public State of Wisconsin
My commission expires 2/16/2025.

