

This form is available in Spanish and Hmong.

<https://www.wicourts.gov/forms1/circuit/index.htm>

*Este formulario está disponible en español y hmong.*

*Daim ntawv no muaj txhais ua lus Spanish thiab lus Hmoob.*

STATE OF WISCONSIN, CIRCUIT COURT, Dane COUNTY

Name of person to be protected (Petitioner): Emily Kuhn

☐ Amended

Name of person completing Petition (if different from Petitioner): \_\_\_\_\_

Date of Birth of Petitioner: [REDACTED]

-VS-

Respondent/Defendant: Mark Opitz

Address: [REDACTED]

**Petition for  
Temporary Restraining Order  
and/or Petition and Motion for  
Injunction Hearing**

(Harassment – 30711)

Case No. 26CV0416

**FILED**

**FEB 05 2026**

DANE COUNTY CIRCUIT COURT

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

☐ One or both parties require the services of an interpreter. Which party? \_\_\_\_ Which language? \_\_\_\_ Complete and file the Interpreter Request (GF-149) form.

Respondent's:	Sex	Race	Date of Birth	Height	Weight	Hair color	Eye color
	Male	Caucasian	4/17/69	6 ft 0 in	250 lbs	Bald	Brown

Please specify Petitioner's relationship(s) to Respondent:

- |   |                                      |   |
|---|--------------------------------------|---|
| <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 |   |

☒ Other: [Be specific] I am the mayor of Middleton. Mark is a former city employee who was forced to resign after sexually assaulting me after I gave a State of the City speech. He is now running for an alder seat.

**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 the petitioner.

I am: [Check one]

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> petitioner.    | <input type="checkbox"/> stepparent of the petitioner.     | <input type="checkbox"/> guardian ad litem for child. |
| <input type="checkbox"/> parent of the petitioner. | <input type="checkbox"/> legal guardian of the petitioner. |   |
| <input type="checkbox"/> Other: _____              |  |   |

**I PETITION THE COURT** for a Temporary Restraining Order/or and Injunction against the respondent under §813.125, Wis. Stats., based on the following:

1. 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

On March 27, 2025, I presented on the State of the City in a speech at the local bar, the Village Green. At the time, Mark Opitz was employed as a City of Middleton Planner and Zoning Administrator since 1999. During the presentation, I was surprised to see Mr. Opitz drank two pints of beer in 40 minutes. Following the conclusion of the meeting, I was talking with a group of individuals, including Mr. Opitz, at the front table. I have a photo from the event that ran in a publication. As the people at the table were talking, Mr. Opitz was sitting to the right of me.

I could feel something on my suitcoat pocket, as if someone was trying to take something out of my pocket, like a thief; it was odd and I disregarded the feeling. I did not move as I could not understand why a City Employee was trying to touch my suitcoat pocket or steal my credit card that was in that pocket. Then, Mr. Opitz seemed to try to tickle me through my pocket as my credit card bumped into my hip. I thought that was odd child-like behavior and disregarded it. I continued to stand and talk to the table. Suddenly, I felt something touch under my suit coat and feel the zipper of my pants (zipper located on my hip, not the front). I was horrified as I realized the City Employee, a well-regarded employee, was trying to unzip my pants.

I turned to look at him and wanted to punch him in the face. I wanted to scream at him, but I realized he would allege that I, as an elected official, assaulted him or I would appear to be wildly disruptive screaming at a city employee in a room with thirty people.

I froze as he continued to reach behind and rub my buttocks as if he owned it; he stated "You need to trust me; you need to understand that I know what is right. You need to trust the city to take care of...." I took a deep breath and stepped far to the left. I attempted to talk to other women nearby and took pictures of people in the bar to capture any potential witnesses. Soon after, I walked away from the meeting shaking. I knew from decades of experience in dealing with traumatized victims of harassment or assault that any perpetrator so seamlessly assaults while stating phrases of "Trust me...I know what is right..." had a long history of harassing and assaulting women. I immediately reported the incident to City Human Resources, the City Administrator, and demanded a formal investigation. My instructions were simple: I wanted Mr. Opitz terminated immediately. I did not press charges because I was only interested in no longer having him work in the City of Middleton.

The city demanded witness testimony, for which I had no statement from the bar attendees; the people at the table had (from recollection) walked away to chat with others. I replied to their declination of investigation that as an elected I demanded that as a part of the formal City Investigation, that Human Resources "Ask any 3 women in City Hall if they had ever experienced or witnessed Mr. Opitz sexually harassing a woman?" They agreed and pursued the formal investigation. Two days later, Mr. Opitz resigned unexpectedly: a demonstration of his guilt. (Other city employees had experienced sexual harassment from Mr. Opitz but signed NDAs and cannot discuss personnel matters. As an elected official, I can speak freely.)

After Mr. Opitz's forced resignation, there were multiple instances in which he made me feel uncomfortable. When the council was considering a resolution following the death of Jim Wexler, a former alder, it was approved and then I asked former city administrator Mike Davis to come forward to receive it. I said he could bring his wife. Instead, he brought Mark Opitz. Mark stood directly behind me to my left for the picture and ceremonial presentation. At that time, I already knew that Mark was running for alder position in the spring election. There were further issues at Wexler's funeral on 1/31/2026. He also chose to become a substitute teacher at my son's school after the resignation.

2. Another no contact order between the petitioner and the respondent

- ☒ does not exist or the petitioner does not know or is uncertain as to whether another no contact order exists.  
☐ does exist.

Name of other case: \_\_\_\_\_

County or State: [If not Wisconsin] \_\_\_\_\_

Type of Case: \_\_\_\_\_

Case Number: [If known] \_\_\_\_\_

Date of proceeding that resulted in no contact order: [If known] \_\_\_\_\_

Details of no contact order: \_\_\_\_\_

**I REQUEST 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 the petitioner.
  - ☒ b. avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.
  - ☒ 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. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
  - ☐ e. allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.
  - ☒ f. avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner.

☒ g. Other: *[List other specific behavior the petitioner wants the respondent to stop doing]* Any form of stalking.

2. Set a time for a hearing on the Petition for an Injunction requiring the respondent to

☒ a. cease or avoid harassing the petitioner.

☒ b. avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.

☒ 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. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.

☐ e. allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.

☒ f. avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner.

☒ g. Other: *[List other specific behavior the petitioner wants the respondent to stop doing]* Any form of stalking.

☒ 3. If the Temporary Restraining Order is denied, the petitioner asks the court to schedule an Injunction Hearing.

If the Temporary Restraining Order is denied, the petitioner is only entitled to an Injunction Hearing if the Petition alleges conduct that is the same as or similar to conduct that is prohibited under §940.32 (stalking); or is the intentional infliction of physical pain, physical injury or illness; or is an intentional impairment of physical condition; or is a violation of §940.225(1), (2) or (3) (sexual assault); or is a violation of §943.01 involving destruction of property that belongs to the individual; or is a threat to engage in the above mentioned behavior.

4. Issue an Injunction against the respondent for four years or the following shorter period: \_\_\_\_\_.

☐ Order the wireless telephone service provider to transfer to the petitioner each telephone number(s) he/she or a minor child in his/her custody uses. The provider will transfer to the petitioner all financial responsibility for and right to the use of any telephone number(s) transferred. **(See CV-437 form, Wireless Telephone Transfer Service in Injunction Case.)**

☒ 5. Order the Injunction, which is in effect for not more than 10 years, if the Court finds a substantial risk the respondent may commit 1<sup>st</sup> or 2<sup>nd</sup> degree intentional homicide, or 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree sexual assault against the petitioner.

6. If the Court grants the Injunction, the petitioner requests the Court

☒ 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 the petitioner believes that the respondent may use a firearm to cause physical harm to another or endanger public safety.

☐ 7. Order the injunction is in effect permanently if the Court finds the respondent has been convicted of a violation of first, second, or third degree sexual assault against the petitioner.

☐ 8. Direct the sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/her residence, if requested.

### SERVICE ON RESPONDENT

Before the Injunction Hearing, it is the petitioner's responsibility to contact the sheriff's office or other process server to verify that the documents were served and proof of service is filed with the Clerk of Circuit Court. The Court will not do this for the petitioner. If available in your county, another way to verify if the documents were served is to register with VPO (VINE Protective Order) on its website at [www.vinelink.com](http://www.vinelink.com).

If the respondent cannot be personally served with Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406) form, the respondent can be served by publication using Publication Notice (CV-505) form.

- The petitioner must file with the Court an affidavit stating that service of the respondent by the sheriff or a private process server was unsuccessful because the respondent was avoiding service by concealment or otherwise. The petitioner should get this affidavit from the sheriff or private process server.

- The petitioner also must send the Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406) form to the respondent via mail or facsimile and must provide proof of transmission (e.g. certified mail receipt, affidavit of mailing or faxing). The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence.

The Clerk of Circuit Court shall forward the Temporary Restraining Order to the sheriff and the sheriff shall assist the petitioner in serving the Temporary Restraining Order.

If a service fee is required by the sheriff under §814.70(1), Wis. Stats., the petitioner shall pay the fee directly to the sheriff. If the Court checks box number 3. Under "The Court Orders" section of the Temporary Restraining Order and Notice of Injunction Hearing (CV-406) form, no service fee is required to be paid to the sheriff.

**I declare under the penalty of false swearing that the information I have provided is true and accurate.**

**DISTRIBUTION:**

1. Court
2. Petitioner
3. Person filing on behalf of the Petitioner
4. Respondent
5. Law Enforcement
6. Other: \_\_\_\_\_

► Electronically signed by: Emily kuhn

Petitioner or Person filing on behalf of Petitioner's Signature

Emily Kuhn

Name Printed or Typed

02/04/26

Date

# Information for Respondents Regarding the Surrender and Return of Firearms

This form is available in Spanish and Hmong. <https://www.wicourts.gov/forms1/circuit/index.htm>  
*Este formulario está disponible en español y hmong.*

*Daim ntawv no muaj txhais ua lus Spanish thiab lus Hmoob.*

**To read the statutes this guide relies upon, please see the following:**

- Wisconsin law: §§813.12 – 813.125 and 813.1285, Wisconsin Statutes
- Federal law: 18 U.S.C. Section 922(g)(8) and (9)

**Would you like a copy of the forms listed in this guide?**

- The forms are available at <http://www.wicourts.gov/forms1/circuit.htm>.
- Click on the link for "Civil" and then on the link for "all civil forms."

**Make sure to check your county's local rules.**

Some counties may have forms or rules that are specific to that county. Check the Wisconsin State Bar's website or talk to your county's Clerk of Court for local rules.

<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>

## Will I have to surrender my firearms?

Yes, IF the judge or commissioner does any of the following:

- Grants a domestic abuse injunction against you.
- Grants a child abuse injunction against you.
- Grants an individual at risk injunction against you and orders the surrender of firearms.
- Grants a harassment injunction against you and orders the surrender of firearms.

## I have access to a firearm, but it is not mine. Do I still need to disclose it?

- **Yes.** The law applies to firearms that you actually own AND those in your possession. If you have access to a firearm, you should disclose this information to the judge or commissioner.
- If you surrender a firearm that does not belong to you, the owner may petition the court for its return. There will be a hearing and if the owner proves he/she owns the firearm, the court will order that the firearm be returned to that person.

## Who can I surrender my firearms to?

- The sheriff (either of the county where you live or the county this court case is in).
- Another person (a.k.a. "third party") you request AND who is approved of by the judge or commissioner.
  - This person will need to come to the injunction hearing or the Firearm Surrender Hearing with you and speak to the judge or commissioner.
  - In some counties, even if you want to surrender your firearms to another person, you may have to first surrender your firearms to the sheriff. If the person comes to court for the injunction or Firearm Surrender Hearing and the court approves him/her, then that person may be able to pick up the firearms from the sheriff.



## What happens now?

**Note:** Lines that begin with ☐ indicates something that you need to do.

1. There will be an injunction hearing.
  - Attached is the Respondent's Statement of Possession of Firearms (CV-800).  
☐ Complete this form and bring it with you to the injunction hearing.
  - At the hearing, the judge or commissioner will decide whether to grant an injunction against you.
2. If an injunction is granted, the judge or commissioner may decide that you need to surrender your firearms.
  - If the judge or commissioner grants a **domestic abuse** or **child abuse** injunction against you, you will be **AUTOMATICALLY** prohibited from possessing firearms and will be required to surrender any firearms that you own or possess.
  - If the judge or commissioner grants an **individual at risk** or **harassment** injunction against you, the court **MAY** prohibit you from possessing firearms if the court determines that you may use a firearm to cause physical harm to another or to endanger public safety. If the court prohibits you from possessing firearms, you will be ordered to surrender any firearms you own or possess.
  - If the court prohibits you from possessing firearms and finds that you own or possess firearms, the judge or commissioner will fill out an Order for to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) form.
  - The judge or commissioner will ask you questions about each firearm and your intentions for how to surrender each firearm.
3. If the judge or commissioner orders you to surrender your firearms, you must do so within 48 hours (or sooner pursuant to the court order) of the injunction hearing. Possessing firearms for any reason other than surrender may result in criminal penalties being brought against you.

### I want to surrender my firearms to the sheriff.

- ☐ Unless the court has instructed otherwise, call the sheriff and set up a time for firearm surrender.
  - The sheriff will fill out a receipt for each firearm that you surrender, which will include the firearm's manufacturer, model number, and serial number.
  - Both you and the sheriff will sign each receipt. The sheriff will keep the original receipt and give you two copies.
- ☐ File one of the copies of the receipt(s) with the clerk of court before the Firearm Surrender Hearing.

### I want to surrender my firearms to a person I choose and who is approved by the judge or commissioner.

- ☐ That person must be present at the injunction hearing or the Firearm Surrender Hearing.

- The judge or commissioner will tell the person about the responsibilities and potential penalties associated with being a third party who agrees to take firearms. The judge or commissioner will give him/her a copy of the Notice of Firearms Possession Penalties (CV-432).
- In some counties, even if you want to surrender to another party, you may be required to surrender your firearms to the sheriff first. If the court approves the third party, the third party may be able to pick the firearms up from the sheriff.

**I received an Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) OR the Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802) form that says that there is a Firearm Surrender Hearing scheduled. Do I need to go to this hearing?**

**Please read this section carefully.**

**If you are required to appear at the Firearms Surrender Hearing and you fail to do so, the judge or commissioner may issue a warrant for your arrest.**

If any of the following situations apply to you, you **MUST** go to the hearing.

- I did not go to the injunction hearing and I never gave the court my signed Respondent's Statement of Possession of Firearms (CV-800) form that says I do not own or possess any firearms.
- The judge or commissioner ordered me to surrender my firearms, but I did not do so within 48 hours of the injunction hearing.
- I surrendered my firearms within 48 hours, but I did not take the surrender receipt from the sheriff to the clerk of court.  
☐ Bring any receipt(s) to the Firearm Surrender Hearing.
- I want to surrender my firearms to someone that I choose rather than the sheriff, but that person did not come to the injunction hearing.  
☐ The person you want to hold your firearms needs to come with you to the Firearm Surrender Hearing.
- I want to surrender my firearms to another person, but the judge or commissioner made me surrender them to the sheriff first.
  - The person that you want to hold your firearms needs to come with you to the Firearm Surrender Hearing. If the court approves that person to hold your firearms, the person may be able to pick up the firearms from the sheriff.

**The injunction against me has expired or has been dismissed. How do I get my firearms back?**

- ☐ 1. Complete the Petition to Return Firearm(s) (CV-433) form. **Do not sign it yet!**
- ☐ 2. Sign CV-433 in front of a notary. (A notary is a person authorized to administer oaths and certify documents. The clerk of court's office and most banks have notaries.)

- ☐ 3. File CV-433 with the clerk of court.
- ☐ 4. Wait for the judge or commissioner to complete and sign the Order Concerning Return of Firearms (CV-435). If the court schedules a hearing, you will be notified of that date. If there is no hearing, you will receive CV-435 in the mail.

The judge or commissioner needs to find the answers to these two questions before he/she can order the return of firearms:

- A. Has the injunction against you been vacated or has it expired?
- B. Do any other federal or state laws or court orders prohibit you from possessing firearms?

- ☐ 5. If the judge or commissioner orders your firearms returned, contact the person holding your firearms and notify that person of this decision.

**I surrendered my firearms to the sheriff.**

- You have 30 days to contact the sheriff. You may be charged storage costs beyond this date.
- If you have not recovered your firearms from the sheriff within 12 months, the sheriff may dispose of your firearms. You may be charged for storage costs beyond the expiration date and for disposal costs.
- The sheriff will return the original receipts and any copies he/she has.



STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

☐ Amended

Respondent's Name \_\_\_\_\_

**Respondent's Statement of  
Possession of Firearms**Case No. **26CV0416****ANSWER THE FOLLOWING QUESTIONS AND BRING THIS COMPLETED FORM TO THE INJUNCTION HEARING:**

1. Do you now or have you in the past six months owned or possessed any firearm(s)?

*"Firearm" means a weapon that acts by force of gunpowder to fire a projectile, regardless of whether it is inoperable due to disassembly. (§167.31(1)(c), Wis. Stats.)*☐

NO. [If you answered no, please continue to signature line.]

☐

YES. [If you answered yes, please continue to Question 2.]

2. For each firearm you currently own or possess, or within the past six months have owned or possessed, provide the following information:

Type of Firearm	Make/Model	Serial Number	Current Location of Firearm(s)	Surrendered or Sold (No or Yes. If Yes, to whom)			Receipt (No or Yes)	
				No	Yes	To Whom	No	Yes
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

*[If you need room for additional firearms, attach additional sheet to this form.]*

The Respondent is advised that failure to completely and accurately complete this statement may result in felony false swearing, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed 6 years, or both.

I have read this document and the facts stated in it are true.



Respondent's Signature \_\_\_\_\_

Name Printed or Typed \_\_\_\_\_

Address \_\_\_\_\_

Email Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date \_\_\_\_\_

State Bar No. (if any) \_\_\_\_\_

## DISTRIBUTION:

1. Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other: \_\_\_\_\_

This form is available in Spanish and Hmong.  
<https://www.wicourts.gov/forms1/circuit/index.htm>  
*Este formulario está disponible en español y hmong.*  
*Daim ntawv no muaj txhais ua lus Spanish thiab lus Hmoob.*

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN THE MATTER OF THE POSSESSION OF FIREARMS BY

☐ Amended

\_\_\_\_\_  
Respondent (Person subject to firearm restriction)

**Notice of Firearms  
Possession Penalties**

\_\_\_\_\_  
Date of Birth

Case No. 26CV0416

To:

This Court has ordered that the respondent surrender any firearms he or she owns or has in his or her possession. A copy of the Injunction ordering this surrender is attached.

**YOU ARE INFORMED THAT:**

1. You may not furnish to this respondent any firearm in violation of the Injunction.  
This prohibition includes:
  - Any firearms the respondent is required to surrender to you.
  - Any other firearms.
2. You may not return any firearms to the respondent until a judge has ordered that you may return the firearms to the respondent.
3. Any person who knowingly furnishes the respondent with a firearm in violation of the injunction can be charged with a Class G felony punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

**DISTRIBUTION:**

1. Court
2. Person to whom firearm(s) were surrendered
3. Petitioner
4. Respondent
5. Law Enforcement

\_\_\_\_\_  
County Circuit Court

\_\_\_\_\_  
Date