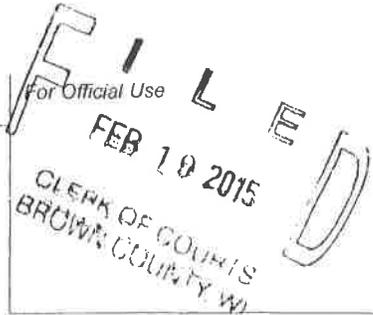


STATE OF WISCONSIN, CIRCUIT COURT, BROWN COUNTY



Plaintiff: (Name [first, middle, last], Address, City, State, Zip)
Carrie Ann Schmechel
dba Palette and Pub
844 Willard Dr. #4
Green Bay, WI
54304

See attached for additional plaintiffs

Amended

**Summons and Complaint
Small Claims**

Case No. 15SC1380

- Claim for money (\$10,000 or less) 31001
- Return of property (replevin) 31003
- Eviction 31004
- Eviction due to foreclosure 31002
- Arbitration award 31006
- Return of earnest money 31008
- Tort/Personal injury (\$5,000 or less) 31010

-vs-

To: Defendant(s) : (Name [first, middle, last], Address, City, State, Zip)
Kathleen Belsha
dba WI Marketing Resources & Publishing dba Northeast WI Kids' Directory, dba
Northeast WI Senior Directory, dba Family Saver
2221 S Webster Ave A-163
Green Bay, WI 54301

See attached for additional defendants

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ at least 10 working days prior to the scheduled court date. Please note that the court does not provide transportation.

SUMMONS

To the Defendant(s):

You are being sued as described below. If you wish to dispute this matter:

You must appear at the time and place stated.

AND/OR (Clerk will circle one)

You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

When to Appear/File an Answer	
Date <u>3/10/15</u>	Time <u>2:15pm</u>
Place to Appear/File an Answer	
Brown County Courthouse 100 South Jefferson Street Courtroom B, 1st floor Green Bay, WI 54301	
Date Summons Issued <u>2/19/15</u>	Date Summons Mailed <u>2/23/15</u>

Clerk/Attorney Signature John A. Vander Loest

COMPLAINT

Plaintiff's Demand:

The plaintiff states the following claim against the defendant(s):

1. Plaintiff demands judgment for: (Check as appropriate)

- Claim for Money \$ 4599
- Return of Earnest Money Eviction
- Return of property (replevin) (Describe property in 2 below.)

(Not to include Wis. Stats. 425.205 actions to recover collateral.)

Plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

2. Brief statement of dates and facts: (If this is an eviction action and you are seeking money damages, you must also state that claim on this form.)

I have entered into 3 different contracts with Kathleen and WMR & P and the company has failed to produce what was agreed upon. Contracts and email documentation in attachments.

See attached for additional information. Provide copy of attachments for court and defendant(s).

Verification: Under oath, I state that the above complaint is true, except as those matters stated upon information and belief, and as to those matters, I believe them to be true.

I am: plaintiff. attorney for the plaintiff.

Copy mailed the 23 day of Feb at above address to defendant

State of Wisconsin
 County of Brown
 Subscribed and sworn to before me on 2/19/15

 Name Printed or Typed _____
 My commission/term expires: 2015

Signature of Plaintiff or Attorney <u>Carrie Schmechel</u>	Date <u>2/19/15</u>	Attorney's State Bar Number
Plaintiff's/Attorney's Telephone Number	Law Firm and Address	

2/19/15

I, Carrie Schmechel, owner of Palette and Pub (Wisconsin Pub and Palette, LLC), have entered into three contracts with Kathleen Belsha of Wisconsin Marketing Resources & Publishing (WMR & P). They operate under Kids' Directory, Senior Directory, and Family Saver. The first contract was for advertising in the Kids' Directory signed 6/17/14 and is for a year of advertising beginning 7/14 and ending 6/15. This cost \$2199. I had an ad published in July, August, September, October, November as agreed upon, and many copies of the issues were distributed to me. In December 2014 I stopped receiving the Kids' Directory. Distribution is part of the agreement and Kathleen claims that 4000 copies are distributed in Green Bay. In December I called another advertiser also in the Kids' Directory to see if they had received any copies. That person told me that they haven't received any in awhile. When I asked Kathleen where the December issue was she dropped off one copy, but it was already January at that point. My ad that was in her one copy of the December issue was not approved by me and had errors in it. I told Kathleen to notify me when they would be dropping off issues each month so I made sure I was there to receive them. She said she would or would leave them in a bag by the door. January's issue was never delivered. It's mid-February and no issues have been distributed this month either. I called two other advertisers on 2/17/15 to see if they've received any copies of the Kids' Directory recently and they had not for several months.

On 9/24/14 I entered into another contract with Kathleen and WMR & P for a Senior Directory. It was to be for a year of advertising costing \$1500 and running 1/15 through 12/15. I have repetitively asked Kathleen for an ad proof and have not received one. They have my logo and information about my business because of my previous advertising in the Kids' Directory. They were to send me an ad that they had created and I would make modifications as needed, which is the process that was followed for the Kids' Directory. The first Senior Directory was supposed to be issued in January 2015 and as of 2/19/15 Kathleen still cannot tell me when it will be released.

On 12/10/14 I met with Kathleen again and she sold me advertising in her new Family Saver which is to begin publication this spring or summer. This cost \$2000. Kathleen called me on the evening of 12/10/14 trying to get more money from me, saying that I hadn't paid for all of the issues. She said she'd stop by right away and pick up another check. I told her that I didn't understand what she was trying to tell me since I was in the middle of teaching a class at my business and asked her to email me an explanation. 12/12/15 she still hadn't emailed me so I emailed her asking for an explanation. She responded and said her office manager made a mistake and that I didn't owe her any additional money.

When I met with Kathleen on 12/10/14 she also tried to sell me a booth in her Kids' Expo, but didn't have an exact date determined at that time of when and where it would be held. She said it was to be held sometime in March. I told her to let me know when she knew the details and I'd consider. On 12/17/14 Kathleen stopped by my business unannounced and had a registration agreement for the Kids' Expo. I was in a meeting so I told her to leave the paper with me and I'd get back to her. She said she'd secured the National Railroad Museum as the location and it was on May 9-10, 2015. I have since called the National Railroad Museum and they have confirmed that they are not holding the event there. I did not sign up for the Expo or give Kathleen money for it but it shows her dishonest nature.

Since I have started to question Kathleen about what was happening with the Kids' Directory and the Senior Directory and she has been giving me one excuse after another contradicting herself. The attached emails chronicle our exchanges.

I am seeking \$4599 total - \$1099 for the unfulfilled portion of the Kids' Directory, \$2000 for the Senior Directory, and \$2000 for the Family Saver.

quick response.

Edie

Kathleen & Harry Belsha, Publishers

Northeast Wisconsin Kids' Directory

920-264-2139

KATHLEEN@NEWKIDSDIRECTORY.COM

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Call

Send SMS

Add to Skype

You'll need Skype CreditFree via Skype

FROM: carrie@paletteandpub.com
TO: "Kathleen Belsha" <kathleen@newkidsdirectory.com>
SENT: Monday, October 27, 2014 1:17:48 PM
SUBJECT: Re: November Ad Changes

I do want to change since the last one was Halloween related. I'd like this one to be more winter related so that we can use it for a few months. I will send you some new images to use. When is the deadline?

Carrie

On 2014-10-27 10:04, Kathleen Belsha wrote:

Hi Carrie,

Would you like to have any changes to your ad for November? Just let us know.

Edie

Office Manager

Kathleen & Harry Belsha, Publishers

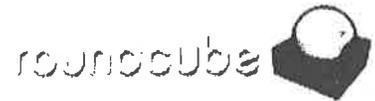
Northeast Wisconsin Kids' Directory

920-264-2139

KATHLEEN@NEWKIDSDIRECTORY.COM

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Subject: **RE: Palette and Pub**
From: Kathleen Belsha <kathleen@newkidsdirectory.com>
To: Carrie Schmechel <carrie@paletteandpub.com>
Date: 2014-06-27 03:05



Hello the proof will be ready today, everyone of your samples went. It was a great event, I will send you your proof later, thanks

Kathleen & Harry Belsha, Publishers
Northeast Wisconsin Kids' Directory
920-264-2139
Kathleen@NewKidsDirectory.com

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----- Original Message -----
From: Carrie Schmechel <carrie@paletteandpub.com>
To: 'Kathleen Belsha' <kathleen@newkidsdirectory.com>
Sent: Thu, 26 Jun 2014 21:23:30 -0500 (CDT)
Subject: RE: Palette and Pub

Hello,

I hope the expo went well. Did people take my flyers?

I was wondering if you knew when the proof would be ready for my ad.

Thanks,

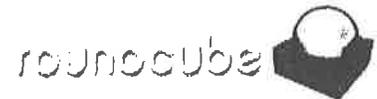
Carrie

From: Kathleen Belsha [mailto:kathleen@newkidsdirectory.com]
Sent: Tuesday, June 24, 2014 5:34 PM
To: Carrie Schmechel
Subject: Re: Palette and Pub

Hi Carrie,

You can drop them off at the Riverside Ballroom anytime after 9:00. See you there.

Subject: **Palette and Pub Half pg for July 2014**
From: Kathleen Belsha <kathleen@newkidsdirectory.com>
To: Palette and Pub <carrie@paletteandPub.com>
Date: 2014-06-27 12:04



- PALETTEPUB HALFPG JULY2014.pdf (~756 KB)

Hi Carrie,

Here is the proof of your half page ad for July 2014. Please print, review, sign & email back to us.

Thank you, and Welcome to the Kids' Directory Family!

Kathleen & Harry Belsha,
North Wisconsin Kids' Directory
920-264-2139
Kathleen@NewKidsDirectory.com

Northeast Wisconsin
Kids
DIRECTORY

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Carrie Schmechel <carrie@paletteandpub.com>

(no subject)

15 messages

Carrie Schmechel <carrie@paletteandpub.com>
 To: Kathleen Belsha <kathleen@newkidsdirectory.com>

Thu, Jan 8, 2015 at 3:37 PM

Hi Kathleen,

Just looking for an update on a few things. I still have November Kid's Directories here. I didn't get December. Do you have any left or is January coming out soon? When will the first edition of the Senior Directory come out? I haven't received any info from your design team on a layout for the Senior Directory ad. I'd also like to change my Kid's Directory ad to include a coupon.

Email is probably the best way to reach me right now. I'm recovering from the flu and catching up on calls and appointments.

Thanks!

Carrie Schmechel

Palette and Pub
 Owner
 844 Willard Dr. #4
 Green Bay, WI 54304
 (920) 940-8448
 www.PaletteAndPub.com

Kathleen Belsha <kathleen@newkidsdirectory.com>
 To: Carrie Schmechel <carrie@paletteandpub.com>

Thu, Jan 8, 2015 at 4:14 PM

Hi Carrie I thought I had left December there. I have a few I will drop. You had told me to use the same ad for the Seniors. However if you would like something different we can change that. We can ad a coupon in the Kids Directory for February it's to late for January. I will let you know when the Seniors comes out 1st addition is always a headache. Will you be a vendor at the Kids Expo. We are filling so please let me know Asap. Thanks. I hope you feel better soon.

Kathleen & Harry Belsha, Publishers
 Northeast Wisconsin Kids' Directory
 920-264-2139
 Kathleen@NewKidsDirectory.com

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 [Quoted text hidden]

Carrie Schmechel <carrie@paletteandpub.com>
 To: Kathleen Belsha <kathleen@newkidsdirectory.com>

Mon, Jan 12, 2015 at 2:54 PM

Hi Kathleen,

Nope, you didn't leave me any of the Dec. issues but I assume January's will be out any day though, right? Do you know what day they'll be dropped off so I can make sure I'm here? Maybe you can just send one copy of Decembers with. I like to keep one of each month!
 I don't think I had you using the same ad for the Seniors since my Kids Directory ad is pretty kid specific (kid parties, etc.). Can

2/18/2015

Palette and Pub Mail - (no subject)

I'm so disappointed in your lack of response and the mess that this has become. No December or January Kid's Directory, no Senior Directory, no proofs sent to me. This is a violation of the contract that you have with me. I need a response on how you will remedy the breach of contract. I don't want to have to pursue this further, but I have invested a lot of money with your company (including the future coupon mailer) and am not seeing that you're holding up your end of the contract. Please respond at the latest by Friday, Feb 6.

Carrie

On Sun, Jan 25, 2015 at 3:15 PM, Carrie Schmechel <carrie@paletteandpub.com> wrote:
Hi Kathleen,

I got the December issue you sent. Thank you! I wish I would've had a chance to proof it though because there's errors in it. When is the January issue coming out since it's already the end of the month? When will I be getting the proof for the Senior Directory and when will it be coming out?

Thanks,
Carrie

[Quoted text hidden]

[Quoted text hidden]

Carrie Schmechel <carrie@paletteandpub.com>
To: Kathleen Belsha <kathleen@newkidsdirectory.com>

Wed, Feb 11, 2015 at 1:11 PM

Kathleen,

Yes you did send me one copy of December's directory. How many copies were distributed in December? I didn't see any at the local businesses that I typically do. Distribution was part of the agreement. I had none to distribute in December, have never seen a copy of January's, and it's the 11th of February and have yet to see a Kids' Directory. As for me approving the content of the December ad, that's not true. I never received a proof which is obvious because I would've never approved something with reference to fall in it when it for December. Now, onto the Senior Directory. The fact that you still haven't gotten me a proof tells me that it's not even in production yet. It was to be distributed in January. It's not that you're late with your publications, it's that they're not being published at all. Based on these findings, you have not fulfilled your contact with me. I have also paid you \$2000 for the Family Saver which I have no confidence will come to fruition based upon your past performance. The unfulfilled portion of the Kids' Directory is \$1099.50, \$1500 for the Senior Directory, and \$2000 for the Family Saver totals \$4599.50. This is the amount that I expect to be refunded immediately because of your lack of performance. Upon reimbursement I will, in return, agree to keep this issue confidential. Failure to immediately reimburse me will leave me no other option other than to pursue this through the legal system.

Carrie Schmechel
[Quoted text hidden]

Kathleen Belsha <kathleen@newkidsdirectory.com>
To: Carrie Schmechel <carrie@paletteandpub.com>

Tue, Feb 17, 2015 at 2:01 PM

Carrie, There were 4000 distributed in Green Bay in December and 3000 in Appleton. We do switch up our locations all the time so they get noticed. You had told us not to leave them there unless you were there. As far as your ad in the December directory it's a winter ad not a fall ad. I had told you at our meeting for the Senior directory I wasn't certain of the release date and your time wouldn't start until the launch. I put January but told you that was when we hoped to. I'm sorry your so upset, but am a bit confused as to why. Is there a time we could talk about this? Please let me know, thanks

Kathleen & Harry Belsha. [Facebook](#) [Google+](#)

North [Wisconsin](#) & Greater Milwaukee Kids' Directory

920-264-2139

Kathleen@NewKidsDirectory.com

NORTHEAST WISCONSIN

Kids'
DIREKTORY

GREATER MILWAUKEE

Kids'
DIREKTORY

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Call

Send SMS

Add to Skype

You'll need Skype CreditFree via Skype

From: "Carrie Schmechel" <carrie@paletteandpub.com>
To: "Kathleen Belsha" <kathleen@newkidsdirectory.com>
Sent: Wednesday, February 11, 2015 1:11:26 PM
Subject: Re:

[Quoted text hidden]

Tue, Feb 17, 2015 at 3:10 PM

Carrie Schmechel <carrie@paletteandpub.com>
To: Kathleen Belsha <kathleen@newkidsdirectory.com>

You don't know why I'm upset? I've gotten no Kids' Directory for 3 months. What am I paying for? I know the December issue is for winter - that's why I'm upset that there was a reference to FALL in it (look at my Dec ad). Proving that you never sent me a proof like you said you did. The Senior Directory - on the contract it says January. It's now February so even if you were a little late it should at least be in production right now. Obviously it is not because I still don't have a proof. You have not been truthful, that is why I'm upset. You are taking my money well in advance of publication dates and are not providing me with a service, that is why I'm upset. I am a start up business and have paid out a lot of money to you and want to see a return on my investment, that is why I'm upset. You are giving me the run around, that is why I'm upset.

Carrie

[Quoted text hidden]

Tue, Feb 17, 2015 at 2:32 PM

Kathleen Belsha <kathleen@newkidsdirectory.com>
To: Carrie Schmechel <carrie@paletteandpub.com>

Carrie, Never would I expect you not to receive everything you have paid for. You will

receive everything the contract says. As with all new companies we also have growing pains. I'm truly sorry about you being this upset. I really like working with you and would like to work this out. We haven't started working on you seniors ad because we aren't sure what you want in it. I had asked for content before. Again please send content for that ad. And I would like to work this out, I'm not giving you the run around just busy. I don't want you feeling this way, you are important.

Kathleen & Harry Belsha, President

Northeast Wisconsin & Greater Milwaukee Kids' Directory

920-264-2139

Kathleen@NewKidsDirectory.com



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Call

Send SMS

Add to Skype

You'll need Skype CreditFree via Skype

From: "Carrie Schmechel" <carrie@paletteandpub.com>
To: "Kathleen Belsha" <kathleen@newkidsdirectory.com>
Sent: Tuesday, February 17, 2015 3:10:56 PM
Subject: Re:

[Quoted text hidden]

Tue, Feb 17, 2015 at 3:44 PM

Carrie Schmechel <carrie@paletteandpub.com>
To: Kathleen Belsha <kathleen@newkidsdirectory.com>

Below is an email from you from Jan 8 saying "You had told me to use the same ad for the Seniors." Like I said - a run around. In one email you say you're waiting for me to submit something, in another you're going to use a prior ad for the Seniors. You said you were going to work something up and send it to me to review. You're not waiting for content from me. You have my logo, you have the main bullet points of what we do because of the Kids' Directory. You just haven't done anything with what you have. Even right now, you still can't give me a publication date of the Senior Directory.

MEDIATION AGREEMENT Brown County Case Number: **15SC1380**

We, the undersigned, agree to the following as a final settlement of our dispute:

Defendant agrees to pay plaintiff the total amount of \$ 4416.25, according to the following payment plan:

Payment to be: Postmarked Delivered Payment in form of: Personal Check

AMOUNT DATE
(no less than) (no later than)

\$500.00 25th of each month, beginning May 25, 2015 until paid in full. The first check was delivered today during mediation for \$500. (8)

(Handwritten initials in a circle)

F I L E D
APR 23 2015
CLERK OF COURTS
BROWN COUNTY, WI

Payment(s) will be payable to: Palette and Pub
Payment address: 844 Willard Dr. #4, Green Bay, WI 54304

This ends all claims and counterclaims, present and future, between these parties, regarding:
All contracts between Carrie Ann Schmechel and Kathleen Belsha made up to and including April 22, 2015.

DISPOSITION (Choose only one):

- The case is dismissed.
- The case is dismissed per stipulation. If defendant(s) fail(s) to fulfill any terms of this agreement, the parties agree that the plaintiff will be due a monetary judgment for \$ 4599.00, PLUS Court costs of \$96.50, minus any payment made, by submitting to the Clerk of Courts a notarized affidavit describing the failure to comply and a proposed judgment.

<u>Carrie Schmechel</u> Signature	<u>4-22-15</u> Date	<u>Carrie Schmechel</u> Name: Print	<u>Palette and Pub</u> (representing)
<u>Kathleen Belsha</u> Signature	<u>4-22-15</u> Date	<u>Kathleen Belsha</u> Name: Print	<u>WMP&PLLC</u> (representing)
_____ Signature	_____ Date	_____ Name: Print	_____ (representing)
_____ Signature (Mediator)	_____ Date	<u>Rae Buhle</u> Signature (Mediator)	<u>4/22/15</u> Date

(Handwritten signature)