

STATE OF WISCONSIN, CIRCUIT COURT, Brown COUNTY For Official Use

Petitioner: Brian James Bongle

☐ Amended

Name of person completing Petition: (If different from Petitioner)

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

AUTHENTICATED COPY
FILED

MAY 07 2014

Date of Birth of Petitioner: (If child)

(Harassment - 30711)

-VS-

Respondent/
Defendant:

Case No. 2014CV668

Address:

Joseph David Horitz
424 Wilson Ave
Green Bay, WI 54303

JASON B. BECK
CLERK OF COURTS
BROWN COUNTY, WI

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
	<u>M</u>	<u>W</u>	<u>04-17-1976</u>	<u>5'8"</u>	<u>165</u>	<u>Blk</u>	<u>BRN</u>

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) Petitioner's name listed on respondent's website

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): Firearm's
Location of weapon(s): 424 Wilson Ave, Green Bay, WI
☐ Weapon(s) were involved in an incident (past or present) involving the petitioner.

I am: (Check one)

- ☒ petitioner. ☐ stepparent of the petitioner. ☐ guardian ad litem for child
☐ parent of the petitioner. ☐ legal guardian of the petitioner.
☐ 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

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: _____

1. I have been made aware of a public Internet website which contains my personal information including my name, home address and the name of my employer. The website is titled; "Illegal Activity by the Green Bay Police" is an anti-law enforcement website which contains allegations of police corruption and threats to harm police officers and their families. The website address is:
<http://servv89pn0ai.sn.sourcedns.com/~gbpprorg/nfl/cops.html>
2. I have obtained official police reports from the Green Bay Police Department through an open records request. I have reviewed these reports and I am prepared to offer them as exhibits in support of this restraining order in the event of a hearing.
3. I am not a police officer however my Father, William (Bill) Bongle is a Police Captain employed by the City of Green Bay Police Department, 307 S. Adams Street, Green Bay, WI.
4. The respondent, Joseph David Lortz, date of birth 04-17-1976, home address 424 Wilson Ave, Green Bay, WI 54303 is the self-admitted author of an anti-law enforcement website which threatens acts of violence against members of the Green Bay Police Department and their families.
5. The respondent lives in a private residence with his family where firearms are kept.
6. A copy of the respondent's website was archived by Green Bay Police on January 17, 2014. The website contains a photograph of my Father, Captain Bill Bongle in his Police uniform with a red "X" through his head. The caption reads, "Bill Bongle WILL be killed unless he reigns in his out of control, psychopath westside units. Keep shooting until the threat is neutralized-even if it means killing every GBPD officer!" Underneath the photograph and caption, my name is listed along with my wife's name. The website also links to our personal Facebook accounts.
7. According to reports of the Green Bay Police Department, on January 31, 2014 Green Bay Police met with the respondent, Joseph Lortz, and his mother. The respondent agreed remove threatening content from his website relating to police officers and their families.
8. According to reports of the Green Bay Police Department, on April 21, 2014 Green Bay Police noticed that the respondent's website was active again. An archive of the website dated April 28, 2014 publishes my name, my wife's name and more specifically lists me

as son of Captain William Bongle. The website also links to my personal Facebook account. The website was published after police intervention and the respondent's agreement to remove content relating to the family members of police officers.

9. The act of publishing my personal information on the respondent's website next to death threats of my Father, a Green Bay Police Officer, constitutes harassment because it is meant to threaten and intimidate me. This situation has caused me significant duress and concern for my safety and the safety of my family. The respondent's actions have exposed me and my family to unnecessary risk and danger not only from the respondent, but others who may decide to act on the respondent's call for violence to be committed against police officers and their families. The situation has caused me to take steps to protect my family that were not otherwise necessary absent this threat.

10. The respondent's act of publishing my personal information on his website serves no legitimate free speech purpose. I am not a public figure, government employee or a police officer. I do not know the respondent and have never met him. The only reason I have been subjected to this harassment is because I am the son of a Green Bay Police Officer, Captain William Bongle.

11. The respondent activates, deactivates and modifies the website frequently. The mere act of "turning off the website" is insufficient. For the harassment to stop, the respondent must be restrained from publishing my personal information in the future.

I am seeking a restraining order to prevent the respondent, Joseph David Lortz, from publishing any personal information including my name, address, photographs or likeness from his this website or any other publication.

Brian Bongle 05-07-14

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. Other: *(List other specific behavior you want the respondent to stop doing.) Remove and enjoin respondent from listing petitioner's name, address, photo or likeness from website.*
- ☒ 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. Other: *(List other specific behavior you want the respondent to stop doing.) Remove and enjoin respondent from listing petitioner's name, address, photo or likeness from website.*
- ☒ 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, you are 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 _____; 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.
- ☒ 5. Direct the sheriff to assist in executing or serving this petition for temporary restraining order and/or petition and motion for injunction hearing, if requested.

If a temporary restraining order is granted, and you choose to have the sheriff's office serve the documents on the respondent, it is your responsibility to contact the sheriff's office before the Injunction hearing to verify that the documents were served and proof of service has been filed with the Clerk of Circuit Court. The court will not do this for you.

If the respondent cannot be personally served with the Notice of Injunction Hearing form, the respondent can be served by publication. The petitioner must file an affidavit with the court stating that personal service of the respondent by the sheriff or a private process server was unsuccessful because the respondent was avoiding service by concealment or otherwise.

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

DISTRIBUTION:

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

Brian Bongle
 Petitioner or Person filing on behalf of Petitioner
Brian Bongle
 Name Printed or Typed
05-07-14
 Date
 State of Wisconsin
 County of BROWN
 Subscribed and sworn to before me on MAY 7, 2014
 Notary Public/Court Official
J. BATH
 Name Printed or Typed
 My commission/term expires: 12-04-17

THE COURT FINDS:

1. The petitioner or person on behalf of petitioner filed a petition alleging harassment under §813.125, Wis. Stats.
2. This court has personal and subject matter jurisdiction.
3. There are reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner as defined in §813.125, Wis. Stats.
4. The court orders a temporary restraining order and sets a date for an injunction hearing.

THE COURT ORDERS:

1. A hearing for an injunction be held on

Date <u>5/21/14</u>	Time <u>10:45</u>	Location Brown County Courthouse 100 S. Jefferson St., Courtroom B, 1 st Floor Green Bay, WI 54301
Circuit Court Judge/Circuit Court Commissioner <u>Seamus</u>		

2. Service of this notice and order shall be made at least 48 hours prior to the hearing.
- ☐ 3. The action may be commenced without payment of filing fees because the petition alleges conduct that is the same as or similar to conduct that is prohibited under §940.32; or is 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); or is a violation of §943.01 involving property that belongs to the individual; or is a threat to engage in the above mentioned conduct.
- ☒ 4. The respondent cease or avoid the harassment of the petitioner.
- ☒ 5. The respondent avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.
- ☒ 6. The respondent 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.*
- ☒ 7. The sheriff assist in executing this temporary restraining order and/petition and motion for injunction hearing, if requested.
- ☐ 8. The sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/her residence, if requested.
- ☐ 9. Other: *[May not be inconsistent with remedies requested in the petition.]*

(Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engages 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 threatens to do same; or (e) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.)

FAILURE TO APPEAR could result in an Injunction being issued directing you to

- cease or avoid the harassment of the petitioner;
- avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner;
- 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; AND*
- follow any other orders made by this court.

VIOLATION OF AN INJUNCTION If issued at this hearing shall result in your arrest and may result in the imposition of criminal penalties regardless of whether you have been served a copy of the Injunction. Service of a copy of this notice of Injunction hearing and the petition for the temporary restraining order and/or Injunction is constructive knowledge of the existence of the Injunction.

THIS TEMPORARY RESTRAINING ORDER IS IN EFFECT UNTIL THE INJUNCTION HEARING.

If you require reasonable accommodations to participate in the court process due to a disability, please call 920-448-4155 prior to the scheduled court date. Please note that the court does not provide transportation.

DISTRIBUTION:

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

BY THE COURT:

☐ Circuit Court Judge ☒ Circuit Court Commissioner

Name Printed or Typed

Date