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DISTRICT I

July 21, 2026

To:

Hon. Reyna I. Morales
Circuit Court Judge
Electronic Notice

Morgana D. Matthews
5831 N. 76th Street, Lower
Milwaukee, WI 53218

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

S2 Real Estate LLC
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

2025AP348

Morgana D. Matthews v. S2 Real Estate LLC
(L.C. # 2024SC27213)

Before Donald, C.J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

S2 Real Estate LLC (“S2”) appeals from the order denying its motion to reopen a default judgment entered against it, in favor of its former tenant Morgana D. Matthews, and from the order denying its motion for reconsideration. Based upon our review of the brief and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). For the following reasons, we reject S2’s arguments and affirm.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

Matthews filed a small claims summons and complaint against S2 when it failed to return her security deposit. When S2 failed to appear at the initial return date, a default judgment was entered in favor of Matthews in the amount of \$1,940. S2 filed a motion to reopen, arguing that the judgment should be reopened because its failure to appear or to file an answer was due to service at the wrong address. S2 also argued that it would be successful if the case were reopened because it had “security deposit return forms that were requested.”

The case eventually went before the small claims court, and a hearing on the motion to reopen was held on November 25, 2024. There, S2 argued, in essence, that it had been served with the summons and complaint at the wrong address. When the court pointed out that Matthews had provided an affidavit of service from the Sheriff’s Department, S2 argued that the service was improper because it was served on an employee at a local office rather than on the registered agent at the proper address. The court was unpersuaded, ultimately denying the motion to reopen and allowing the default judgment against S2 to stand.

S2 then filed a motion for reconsideration. In its motion, S2 made various arguments that it had not raised in its motion to reopen, including that it did not own the building in which

Matthews had resided and that it did not have Matthews' security deposit. A hearing was held on February 11, 2025, and the court denied S2's motion for reconsideration. S2 now appeals.²

Ultimately, we reject S2's arguments due to deficiencies in its appellate submissions. The transcript for the hearing on the motion for reconsideration was not requested nor included in the appellate record. "We are bound by the record as it comes to us." *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26, 496 N.W.2d 226 (Ct. App. 1993). "It is the appellant's responsibility to ensure completion of the appellate record and 'when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the [circuit] court's ruling.'" *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381 (citation omitted).

Both a motion to reopen a default judgment and a motion for reconsideration are reviewed for an erroneous exercise of discretion. *Haselow v. Gauthier*, 212 Wis. 2d 580, 587, 569 N.W.2d 97 (Ct. App. 1997); *Koepsell's Olde Popcorn Wagons, Inc. v. Koepsell's Festival Popcorn Wagons, Ltd.*, 2004 WI App 129, ¶6, 275 Wis. 2d 397, 685 N.W.2d 853. "To prevail on a motion for reconsideration, the movant must present either newly discovered evidence or establish a manifest error of law or fact." *Id.*, ¶44. Without the hearing transcript, S2 cannot

² Matthews did not file a brief on appeal. See WIS. STAT. RULE 809.19(3). This court issued an order extending the deadline to file a brief and warning Matthews that a failure to file a respondent's brief could result in summary reversal. When the extended deadline passed, this court issued another order, informing Matthews that failure to file a respondent's brief tacitly concedes error and that summary reversal is a potential sanction for her failure to file a brief. See *State ex rel. Blackdeer v. Township of Levis*, 176 Wis. 2d 252, 260, 500 N.W.2d 339 (Ct. App. 1993). We informed Matthews that the matter would be submitted to the court without a respondent's brief and that, if we determined that a respondent's brief was necessary, we would issue a further order directing her to file a brief or face summary reversal. Based on S2's brief and the record, we conclude that summary reversal is not an appropriate sanction for reasons which include the deficiencies in S2's submissions.

provide this court with a statement of facts with “appropriate references to the record” and is unable to support its arguments with citations to the “parts of the record relied on[.]”³ See WIS. STAT. RULE 809.19(1)(d), (e). Where a circuit court must exercise its discretion, such as when it concludes that a motion for reconsideration of a denial of a motion to reopen a default judgment should be denied, and “no transcript has been furnished whereby the exercise of that discretion can be examined, an appellate court is compelled to accept that conclusion.” See **Austin v. Ford Motor Co.**, 86 Wis. 2d 628, 638, 273 N.W.2d 233 (1979). S2 thus cannot meet its burden of demonstrating that the circuit court erred.⁴ See **Gaethke**, 376 Wis. 2d 448, ¶36 (stating that it is the appellant’s burden to demonstrate that the circuit court erred). Accordingly, we summarily affirm.

Therefore,

IT IS ORDERED that the orders are summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals

³ In fact, S2 failed to include any citations to the record in their brief as required by the rules of appellate procedure.

⁴ Additionally, we note that S2’s arguments fail because they are insufficiently developed. See **State v. Pettit**, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (explaining that this court does not address unsupported and undeveloped arguments). Of additional concern was S2’s statement at the motion to reopen hearing: “I mean, if this gets appealed, it’s going to be a win. I mean, it’s—this is a joke.”