COURT OF APPEALS
DECISION
DATED AND FILED

November 10, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2025AP1411 **Cir. Ct. No. 2023FA50**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT III

IN RE THE MARRIAGE OF:

DELAINE BRIAN LASKI,

PETITIONER-RESPONDENT,

V.

JENNIFER RENE LASKI,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Douglas County: GEORGE L. GLONEK, Judge. *Affirmed*.

Before Stark, P.J., Hruz, and Gill, JJ.

Per curiam opinions 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).

¶1 PER CURIAM. Jennifer Laski, pro se, appeals from a circuit court order denying her motion to modify or reconsider the terms of the parties' judgment of divorce pursuant to WIS. STAT. §§ 806.07 and 767.59 (2023-24).[1] Jennifer argues that the court erroneously exercised its discretion by failing to modify its property division decision and maintenance award. Jennifer also argues that the court erred by failing to order the return of her personal property. For the reasons that follow, we reject Jennifer's arguments and affirm.

BACKGROUND

¶2 Delaine Laski petitioned for divorce from Jennifer in March 2023. The parties, who were both represented by counsel, reached a partial marital settlement agreement. The agreement resolved the issues of custody and physical placement of their minor child. The parties later reached a second partial marital settlement agreement, whereby they agreed to a negotiated division of their personal property. The remaining issues, including the division of marital property and the awarding of maintenance, were addressed at a contested divorce hearing.

¶3 In September 2024, following the contested divorce hearing, the circuit court ordered the equal division of the marital property, and it adopted the parties' partial marital settlement agreements. Relevant to this appeal, the court found that a Gordon, Wisconsin, property gifted to Jennifer and her four siblings was marital property because the parties had refinanced the property to purchase Jennifer's siblings' interests, and Jennifer had thereafter quitclaim deeded the

[1] All references to the Wisconsin Statutes are to the 2023-24 version.

property to herself and Delaine to be held jointly as survivorship marital property. For similar reasons, the court also denied Jennifer's request that she be individually awarded an "$80,000.00 interest" in the Gordon property.

¶4 As to maintenance, Jennifer requested that the circuit court award her $800 per month for nine years. According to the court, Jennifer's calculation was "[a]pparently" "based merely upon [her] calculation of one-half of the difference between the parties' respective incomes. Moreover, the requested length of maintenance for nine[ ]years is based merely upon one-half of the length of the marriage." After applying the statutory factors under WIS. STAT. § 767.56, the court awarded $400 per month in maintenance to Jennifer until their minor child presumably graduated from high school (when Jennifer's child support payments to Delaine would likely end).

¶5 As to the marital property, the circuit court ordered that the parties either notify the court of an equalization payment agreement or file their respective proposals if they could not agree. Afterward, Jennifer's attorney informed the court that the parties could not agree on how to equalize the marital estate. Jennifer's attorney proposed that Delaine's retirement be split (via a qualified domestic relations order (QDRO)) and that he pay Jennifer over $26,500 through a cashier's check to equalize the estate. In response, Delaine's attorney agreed to the QDRO but proposed that Delaine pay Jennifer $25,150 to equalize the marital estate, which accounted for Delaine accepting more of the marital debt than Jennifer. Because Delaine did not have $25,150 in liquid assets, his attorney requested that the court provide Jennifer additional interest in the QDRO. The court adopted Delaine's proposal, finding that it was "the fairest way to equalize the estate," given that Delaine did not have "liquid assets such that [he] would be able to pay [Jennifer] that substantial amount in cash."

¶6 In October 2024, the circuit court entered a judgment granting the divorce and incorporating by reference the partial marital settlement agreements, its September 2024 decision, and its equalization decision. Neither party appealed the October 2024 divorce judgment.

¶7 Several months later, Jennifer filed a pro se motion using a standard form, seeking, in pertinent part, revision of support and maintenance orders pursuant to WIS. STAT. § 767.59. Attached to the standard form was a typed document titled "Motion for Change or Reconsideration," which cited both § 767.59 and WIS. STAT. § 806.07. (Formatting altered.) In the form portion of her motion, Jennifer requested an increase to the maintenance award in an amount "to be determined by the [circuit] court based on current income." Jennifer also checked an "Other change(s)" box and stated, "See attached." Jennifer stated that there had been a substantial change in circumstances because of "[a]ttorney dereliction of duty," and she asserted that the "QDRO was never executed," that she "face[d] taxes and penalties if paid this way," and that she wanted, as an alternative to the QDRO, the proceeds from "a piece of property" that Delaine was selling.

¶8 In the attached document, Jennifer further explained that her debt "to income ratio ha[d] changed significantly due to medical conditions." In addition, Jennifer stated that her previous counsel "failed to adequately investigate or present relevant financial and evidentiary information, resulting in tax identity issues and a mischaracterization of" the parties' financial circumstances. Citing WIS. STAT. § 806.07(1)(a) (allowing relief from a judgment based on mistake, inadvertence, surprise, or excusable neglect), Jennifer argued that her "prior attorney failed to raise critical defenses and failed to disclose or correct inaccurate representations of [Jennifer's] financial situation." For example, according to

Jennifer, her attorney "[n]eglected to obtain and present [her] medical evidence affecting financial and property division" and "[n]eglected to properly challenge [Delaine]'s claims of inability to pay, despite evidence of available assets."

¶9 Furthermore, citing WIS. STAT. § 806.07(1)(b) (allowing relief from a judgment based on newly discovered evidence), Jennifer stated that she had "since obtained financial and medical documents and information—including tax records and assets for sale—that were not available or submitted during the initial proceedings." Jennifer also cited § 806.07(1)(g) (allowing relief from a judgment that is no longer equitable) and (h) (allowing relief from a judgment for any other reasons), and she argued that given her "financial hardship … and the adverse effects of the judgment on the best interests of the minor child[], the continued enforcement of the judgment is unjust and inequitable."

¶10 The circuit court held an evidentiary hearing on Jennifer's motion. At the hearing, Jennifer clarified that she was not arguing that the court had made a mistake during the divorce proceedings. Jennifer stated that her claims were based on "mistakes that happened during the trial on [the] basis of [her] attorney." Jennifer also asserted, for the first time, that certain "personal property was never returned."

¶11 In a June 2025 order, the circuit court largely denied Jennifer's motion.[2] First, the court held that to the extent Jennifer was seeking reconsideration under WIS. STAT. § 805.17(3), her motion was untimely because it

[2] The circuit court found that the amount of the equalization payment had originally been miscalculated by $746.50, so it ordered, pursuant to WIS. STAT. § 806.07(1)(h), that Delaine make a cash payment to Jennifer in that amount.

was filed more than 20 days after entry of the court's October 2024 divorce judgment. *See* § 805.17(3).

¶12 The circuit court next determined that Jennifer was not entitled to relief under WIS. STAT. § 806.07. The court concluded that "most of the evidence and documents" that Jennifer presented to the court ("including a vast number of medical records") did not constitute newly discovered evidence under § 806.07(1)(b) because the documents were in existence at the time of the contested divorce hearing, and Jennifer "would have been aware of the[ir] existence." Moreover, because Jennifer was still gainfully employed, the court found that none of the additional medical records she submitted would have changed its analysis of property division or maintenance. The court further stated that because Jennifer's income had increased, while her expenses had decreased, since the time of the contested hearing, it was "difficult to understand how this most recent financial information would be of any particular benefit to [Jennifer] with regard to this Court's prior decisions regarding … maintenance or property division."

¶13 The circuit court also concluded that, as Jennifer's motion related to her attorney's performance, "neglect of an attorney" "is no ground for relief in equity." Regarding the QDRO and Delaine's ability to pay the equalization amount, the court denied Jennifer's motion for the reasons stated in its prior equalization decision, noting that Jennifer's counsel did, in fact, request that Delaine pay the equalization via cashier's check. Regardless, according to the court, the financial information Jennifer sought to admit constituted "newly-created evidence, not newly-discovered evidence." As it pertained to the personal property not returned, the court ordered that the parties "cooperate with one another in making final arrangements for [Jennifer] to retrieve her remaining

personal property … within 30 days" of the hearing. The court stated that "[f]ailure to comply with" the court's order "could constitute contempt of court."[3]

¶14 Finally, the circuit court denied Jennifer's motion to modify maintenance under WIS. STAT. § 767.59(1f)(a), stating that there had not been a substantial change in circumstances.

¶15 Jennifer now appeals from the circuit court's June 2025 order.

DISCUSSION

¶16 On appeal, Jennifer argues that the circuit court erred in the following respects: (1) by "adopting an incorrect QDRO amount, failing to account for updated financial disclosures …, and failing to issue the equalization payment separately"; (2) by treating the Gordon property as marital property and not awarding her an $80,000 interest in the property; (3) by "denying enforcement of the property return order"; and (4) by failing to change the maintenance award "despite undisputed financial hardship." (Formatting altered.)

I. QDRO and the Gordon property

¶17 As an initial matter, we note that Jennifer does not adequately rely on WIS. STAT. § 806.07 for any of the claims she makes on appeal with respect to the circuit court's denial of her motion to modify the property division. The court correctly recognized that although property division in a divorce is not subject to a circuit court's continuing jurisdiction and may not be modified based on a change

[3] At the evidentiary hearing, the circuit court likewise stated that if Delaine was refusing to allow Jennifer to retrieve her personal property, in violation of the court's previous rulings, then Jennifer could "file a motion for contempt, and we'll address it at a contempt hearing."

of circumstances under WIS. STAT. § 767.59, § 806.07 "gives the court discretionary authority to grant relief from the judgment." *See* ***Franke v. Franke***, 2004 WI 8, ¶21, 268 Wis. 2d 360, 674 N.W.2d 832 (citation omitted).

¶18 In fact, Jennifer's arguments in the circuit court and in this court appear, at times, to challenge the court's October 2024 judgment, not its June 2025 order.[4] For example, Jennifer states on appeal that the court erred by "rolling the … equalization payment" "into the QDRO rather than requiring a separate, non-taxable cash payment as contemplated under WIS. STAT. § 767.61(3)." Jennifer further contends that the record from the contested divorce hearing demonstrates that her $80,000 interest in the Gordon property should be considered non-divisible and that the Gordon property was not marital property.

¶19 To the extent that Jennifer is attempting to directly challenge the circuit court's October 2024 judgment—as opposed to the court's June 2025 order rejecting her claims under WIS. STAT. § 806.07—with respect to the QDRO or the Gordon property, we lack appellate jurisdiction to review that order in the absence of a timely filed direct appeal, which Jennifer did not file, and we reject those claims on this basis. *See* WIS. STAT. RULE 809.10(1)(e) ("The filing of a timely notice of appeal is necessary to give the court jurisdiction over the appeal.").

[4] We pause to note that Delaine cites an authored but unpublished opinion in his brief on appeal without any explicit indication that it is an unpublished opinion. While the opinion is authored and citable for its persuasive value, *see* WIS. STAT. RULE 809.23(3)(b), Delaine failed to file and serve a copy of the opinion, in violation of RULE 809.23(3)(c).

We further note that Jennifer cites to "***Wochos v. Wochos***, 2000 WI App 132" in her reply brief. This court was unable to locate any such case.

¶20 Similarly, many of Jennifer's claims relating to the property division—particularly those premised on her former attorney's alleged deficient representation—while framed under WIS. STAT. § 806.07(1), are really arguments that could have been, but were not, raised at the divorce stage of the proceedings or on direct appeal from the circuit court's October 2024 judgment. *See* ***Eau Claire County v. Employers Ins. of Wausau***, 146 Wis. 2d 101, 111, 430 N.W.2d 579 (Ct. App. 1988) (concluding that, under the circumstances of the case, § 806.07(1)(h) did "not authorize the trial court to essentially expand the time for appeal when the time for such appeal had passed"). While § 806.07 may, under certain narrow circumstances, be used as a means of seeking relief from a judgment due to counsel's unsatisfactory performance, Jennifer fails to demonstrate that her attorney's performance was so egregious or extreme as to warrant relief or that the circuit court erroneously exercised its discretion by denying such relief. *See* ***Village of Big Bend v. Anderson***, 103 Wis. 2d 403, 407, 308 N.W.2d 887 (Ct. App. 1981). Accordingly, we reject Jennifer's claims as they relate to her attorney's alleged deficient representation. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) ("We may decline to review issues inadequately briefed.").

¶21 More to our first point, Jennifer's remaining arguments fail because she does not explain how WIS. STAT. § 806.07 warrants relief. Jennifer did not cite § 806.07 or the proper standard of review in her brief-in-chief. We recognize that Jennifer is representing herself on appeal. However, despite Jennifer's pro se status, it remains her burden on appeal to demonstrate that the circuit court erred, *see* ***Gaethke v. Pozder***, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381, and it is well established that appellate courts "do not step out of [their] neutral role to develop or construct arguments for parties," *see* ***Doe 1 v. Madison Metro.***

Sch. Dist., 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (citation omitted); *see also* ***Pettit***, 171 Wis. 2d at 646-47. Pro se appellants "are bound by the same rules that apply to attorneys on appeal," and the "right to self-representation is '[not] a license not to comply with relevant rules of procedural and substantive law.'" ***Waushara County v. Graf***, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (alteration in original; citation omitted). Applying these principles here, we conclude that Jennifer has failed to satisfy her burden of demonstrating that the circuit court erroneously exercised its discretion by denying her motion to modify the property division pursuant to § 806.07.[5]

¶22 Jennifer appears to contend that the circuit court erred by not relying on Delaine's June 2025 income and expenses as an update to his February 2024 financial disclosure statement when denying her motion to modify the property division. According to Jennifer, "[b]y relying on outdated and incomplete data, the court effectively undervalued marital assets, producing an inequitable property division and QDRO allocation contrary to WIS. STAT. § 767.61(3) and the principles of equitable distribution." Similarly, Jennifer appears to argue that the court erred by denying her motion to modify the property division based on unforeseen tax consequences stemming from the QDRO. Jennifer further contends that the court erred by failing to account for evidence demonstrating that the Gordon property is now three parcels instead of a single parcel.

[5] Moreover, to the extent Jennifer challenges the circuit court's denial of her motion for reconsideration, the court correctly observed that her motion was filed well beyond the 20-day deadline set forth in WIS. STAT. § 805.17(3). Jennifer fails to develop any argument as to why § 805.17(3) should not apply to her motion for reconsideration. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

¶23 Jennifer fails to explain how Delaine's updated financial status would entitle her to relief under WIS. STAT. § 806.07, particularly where Delaine's and Jennifer's incomes had both increased modestly since the divorce judgment was entered. Nor does Jennifer explain how § 806.07 would entitle her to relief on the basis that the Gordon property is not a single parcel. Moreover, she does not challenge the circuit court's findings that the information she provided to the court was not newly discovered evidence. Likewise, the tax consequences to each party in a divorce are but one factor a circuit court considers at property division, *see* WIS. STAT. § 767.61(3)(k), and Jennifer fails to develop an argument as to why § 806.07 would entitle her to relief based on those consequences.[6]

¶24 Finally, Jennifer appears to argue that the circuit court failed to amend its October 2024 judgment to reflect the $746.50 payment it ordered Delaine to pay her as a correction to the equalization payment. We adopt Delaine's reasoning on this issue:

> When the … court discovered that the amount of the $25,150.92 equalization payment it had originally ordered to be made through the QDRO was too low by $746.50, the court rightfully and properly corrected its own error by ordering Delaine to pay this sum directly to Jennifer within 30 days. By doing so, the … court did not need to revisit or change its underlying order regarding the rest of the equalization payment through the QDRO. Instead, the court simply and efficiently ordered a separate additional

[6] Jennifer is correct that a circuit court must be aware of the tax consequences of a property division award. *See* ***Ondrasek v. Ondrasek***, 126 Wis. 2d 469, 480, 377 N.W.2d 190 (Ct. App. 1985). In her reply brief, and for the first time in this case, she cites 26 U.S.C. § 402(e)(1)(A) for the proposition that "distributions made pursuant to a QDRO are taxable to the recipient," and she asserts that "[t]he adverse tax consequences of this structure were not reasonably apparent until implementation." Because the circuit court was not presented with an opportunity to adjudicate the applicability of § 402(e)(1)(A), and Delaine did not have a chance to dispute its applicability on appeal, we conclude that Jennifer forfeited this argument. *See* ***Schill v. Wisconsin Rapids Sch. Dist.***, 2010 WI 86, ¶45 n.21, 327 Wis. 2d 572, 786 N.W.2d 177.

> payment of the missing $746.50, which made Jennifer whole on the equalization issue. It is unclear from her brief what Jennifer's complaint is regarding the $746.50 issue.

In her reply brief, Jennifer fails to respond to Delaine's summation of her argument or his analysis of this issue; regardless, we conclude that the record supports Delaine's argument. Accordingly, we reject Jennifer's claim as it relates to the court's correction of the equalization payment.

II. Property return order

¶25 Jennifer further argues that the circuit court erred by denying enforcement of the parties' second partial marital settlement agreement, whereby they agreed to a negotiated division of their personal property. According to Jennifer, Delaine has "failed to return numerous awarded items."[7] Jennifer therefore asserts that "[r]emand is warranted for valuation and restitution of the unrecovered … property."

¶26 Jennifer raised this issue for the first time at the evidentiary hearing on her motion, and the circuit court ordered that Jennifer would be permitted to retrieve her property within 30 days. The court's June 2025 order further stated that contempt of court sanctions could apply if either party failed to comply with the order. Jennifer does not dispute that she has not filed a motion for contempt asserting that Delaine has failed to comply with the court's order. Instead, she contends, without citation to legal authority, that "a party is not required to exhaust contempt remedies before appealing an order that provides internally

[7] Jennifer also asserts that Delaine returned some items "broken." As Delaine notes on appeal, Jennifer did not allege in the circuit court that any of returned items were damaged. Jennifer does not refute this assertion in her reply brief, and, accordingly, we deem this claim forfeited. *See* ***Schill***, 327 Wis. 2d 572, ¶45 n.21.

inconsistent or illusory relief." Even if this legal assertion were true, Jennifer fails to explain why the court's property division decision is "inconsistent" or provides "illusory" relief. *See* ***Pettit***, 171 Wis. 2d at 646-47. The court's ruling that Jennifer would be required to file a motion for contempt if Delaine failed to comply with the court's order is supported by the fact that Jennifer did not raise this issue until the evidentiary hearing, meaning Delaine would not have had notice of such a claim prior to the hearing.

III. Maintenance

¶27 Finally, we address Jennifer's argument that the circuit court erred by denying her request to modify the maintenance award. "In order to modify a maintenance award, the party seeking modification must demonstrate that there has been a substantial change in circumstances warranting the proposed modification." ***Brin v. Brin***, 2014 WI App 68, ¶7, 354 Wis. 2d 510, 849 N.W.2d 900 (citation omitted); *see also* WIS. STAT. § 767.59(1f). "A 'substantial change' in circumstances 'must relate to a change in the financial circumstances of the parties.'" ***Jahimiak v. Jahimiak***, 2024 WI App 5, ¶42, 410 Wis. 2d 557, 2 N.W.3d 756 (2023) (citation omitted). "A circuit court's decision as to whether there has been a substantial change of circumstances is a discretionary one that will be affirmed if there is a reasonable basis in the record to support it." ***Id.***, ¶44.

¶28 Jennifer argues that the circuit court failed to account for her "extraordinary medical expenses" when analyzing whether there had been a substantial change in the parties' financial circumstances since the court's October 2024 divorce judgment. According to Jennifer, she pays "over $17,000 annually … for treatment of a chronic bladder condition."

¶29 Contrary to Jennifer's argument, however, the circuit court considered Jennifer's new medical expenses in its analysis. In particular, the court acknowledged that, according to Jennifer's June 2025 financial disclosure statement, Jennifer's "medical and prescription expenses have increased from $340 per month during the marriage to $800 per month following the divorce (including medication and services related to a holistic acupuncturist which is not typically considered a mainstream medical treatment)." Furthermore, the court acknowledged that Jennifer had been diagnosed with melanoma since the final divorce hearing, but it stated that there was no evidence in the record concerning her prognosis. Significant to the court was the fact that Jennifer "continues to be gainfully employed" and that her monthly income from her employment "actually increased since the time of the final divorce hearing." Meanwhile, Jennifer's total monthly expenses decreased by nearly $2,500, despite the increased medical and prescription expenses.

¶30 Notably, Jennifer appears to actually be challenging the circuit court's basis for its original maintenance award in the October 2024 judgment. This challenge is improper at this stage of the divorce proceedings. If Jennifer wished to challenge the court's October 2024 judgment, she was required to file a direct appeal. "A 'substantial change of circumstances' determination calls for a comparison of the facts on which the prior maintenance award was based to the new facts in order to ascertain whether 'the difference is enough to justify the court's considering whether to modify the order.'" ***Id.***, ¶42 (citation omitted). "A court reviewing a modification request should adhere to the findings of fact made in the previous proceeding setting maintenance and may not retry the factual determinations decided in that proceeding." ***Id.*** Accordingly, the court applied the correct legal standard to Jennifer's motion to modify maintenance by focusing

on the parties' changed financial circumstances since the time of the final divorce hearing.[8] On this record, we cannot say that the court erroneously exercised its discretion.

¶31 In terms of the $17,000 figure cited by Jennifer, Jennifer did testify as to this figure at the evidentiary hearing, stating that she has $17,000 in annual out-of-pocket medical costs, evidence of which her attorney "neglected to bring into court." However, Jennifer's June 2025 financial disclosure statement represented that she had $800 per month ($9,600 annually) in medical expenses not covered by insurance. Jennifer fails to explain or reconcile this discrepancy or explain why the court unreasonably relied on her financial disclosure statement when addressing the parties' financial circumstances. *See* ***Pettit***, 171 Wis. 2d at 646-47. Therefore, we do not consider further Jennifer's argument that the circuit court erred by failing to account for her $17,000 annual medical expenses when concluding that a substantial change in her financial circumstances had not occurred.[9]

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

[8] We further note that Jennifer does not challenge the circuit court's conclusion that the "vast number of medical records" she submitted in support of her motion to modify maintenance did not constitute newly discovered evidence. Nor does she challenge the court's conclusion that none of the other provisions within WIS. STAT. § 806.07 warranted relief with respect to her motion to change maintenance.

[9] This court has made every effort to address each of Jennifer's arguments on appeal. However, to the extent that we have not addressed each of Jennifer's arguments, we deem them undeveloped and reject them on that basis. *See* ***Pettit***, 171 Wis. 2d at 646-47.