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DISTRICT IV

November 12, 2026

To:

Hon. Rhonda L. Lanford
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

David S. DeHorse
Electronic Notice

Mirus Madison II, LLC
1564 Troy Drive
Madison, WI 53704

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

2025AP2033 Mirus Madison II, LLC v. Clarresse Thompkins
(L.C. # 2025SC4634)

Before Graham, P.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).

Clarresse Thompkins appeals a judgment of eviction in favor of her former landlord, Mirus Madison II, LLC. Thompkins has also filed a motion asking for summary reversal as a

[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.

sanction for Mirus's failure to file a respondent's brief. I grant the motion and dispose of this appeal summarily pursuant to the authority provided in WIS. STAT. RULE 809.83(2).[2]

The circuit court granted the judgment of eviction following a bench trial, and the court issued a writ of restitution shortly thereafter. To my understanding, the court was never asked to enter a money judgment based on Thompkins's alleged failure to pay rent.

Thompkins filed a notice of appeal, and timely filed her appellant's brief. In her appellant's brief, Thompkins argued that the circuit court should not have granted the judgment because Mirus did not adequately prove the alleged month-to-month nature of Thompkins's tenancy and did not seek to admit into evidence the 30-day notice that Mirus allegedly served on Thompkins to terminate the tenancy, and because the court did not allow Thompkins to introduce certain evidence that she wanted to present at the trial. Mirus has not filed a respondent's brief, nor has it provided any explanation for its failure to do so.

On April 9, 2026, this court issued a notice informing Mirus that its respondent's brief was delinquent and that, unless the brief was filed or an extension sought, the appeal would be disposed of summarily and may be summarily reversed pursuant to WIS. STAT. RULE 809.83(2).

In an order dated May 7, 2026, this court again cautioned Mirus that unless its brief was filed or an extension sought, the appeal would be disposed of summarily and may be summarily

[2] WISCONSIN STAT. RULE 809.83(2) provides, in relevant part, that "[f]ailure of a person to comply with a court order or with a requirement of these rules … is grounds for dismissal of the appeal, *summary reversal*, striking of a paper, imposition of a penalty or costs on a party or counsel, or other action as the court considers appropriate." (Emphasis added.)

reversed pursuant to WIS. STAT. RULE 809.83(2). We also directed that the appeal be submitted for a decision based solely on Thompkins's brief and the record.

On October 26, 2026, Thompkins filed a motion seeking summary reversal. In an order dated October 29. 2026, this court provided Mirus with a final opportunity to participate in this appeal. This court ordered Mirus to file a respondent's brief within five days, and informed Mirus that this court would summarily reverse under WIS. STAT. RULE 809.83(2) if Mirus failed to file a brief. The October 29 order explained as follows:

> The "[f]ailure to file a respondent's brief tacitly concedes that the trial court erred," ***State ex rel. Blackdeer v. Township of Levis***, 176 Wis. 2d 252, 260, 500 N.W.2d 339 (Ct. App. 1993), and allows this court to assume that the respondent concedes the issues raised by the appellant. *See* ***Charolais Breeding Ranches, Ltd. v. FPC Securities Corp.***, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493 (Ct. App. 1979). This court will not act as both advocate and judge, ***State v. Pettit***, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992), by independently developing a litigant's argument. ***Gardner v. Gardner***, 190 Wis. 2d 216, 239-40 n.3, 527 N.W.2d 701 (Ct. App. 1994).

Additionally, the October 29 order specifically cautioned Mirus that failure to file a respondent's brief as directed would constitute an abandonment of the appeal. *See* ***Raz v. Brown***, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647.

To date, this court has received no respondent's brief, and no other filings from Mirus in response to our orders on this topic. Accordingly, I summarily reverse the judgment of eviction as a sanction for Mirus's failure to file a brief and abandonment of this appeal. I remand to the circuit court for further proceedings, in which the court shall vacate the judgment of eviction and entertain any other proceedings that are appropriate under the circumstances.

Therefore,

IT IS ORDERED that the circuit court's order is summarily reversed pursuant to WIS. STAT. RULE 809.21(1) and that the cause is remanded for further proceedings consistent with this opinion.

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

Samuel A. Christensen
Clerk of Court of Appeals