COURT OF APPEALS
DECISION
DATED AND FILED

November 24, 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. 2025AP1118 **Cir. Ct. No. 2024SC27442**

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

GWENDOLYN DAVIS,

PLAINTIFF-RESPONDENT,

V.

CASSANDRA MARTIN,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: REYNA I. MORALES, Judge. *Affirmed in part, reversed in part and cause remanded with directions.*

¶1 DONALD, C.J.[1] Cassandra Martin, pro se, appeals from a circuit court judgment awarding money damages to her former tenant, Gwendolyn Davis,

[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.

for unlawfully locking Davis out of a rental property in October 2022 and for failing to return her security deposit. We affirm the judgment as to the security deposit claim, reverse the judgment as to the lock-out claim and remand this matter to the circuit court with directions to dismiss that claim on the merits.

BACKGROUND

¶2 For more than a decade, Davis rented a house from Martin. Davis moved out in October 2022, and nearly two years later, sued Martin for losses allegedly arising out of her tenancy. Davis brought a claim pursuant to WIS. ADMIN. CODE § ATCP 134.09(7) (through Oct. 2026)[2] and WIS. STAT. § 100.20(5) for double the value of personal property she claims to have lost because Martin changed the locks on the rental property, temporarily locking her out. Davis also sought to recover double the amount of her security deposit under WIS. ADMIN. CODE § ATCP 134.06(2)-(4)[3] and § 100.20(5) due to Martin's purported failure to return it in full or provide a written accounting of any amounts withheld. The matter proceeded to a small claims bench trial where Davis was represented by counsel and Martin represented herself. The circuit court entered judgment for Davis on both claims, awarding $5,048 plus court costs. On appeal, Martin seeks

[2] All references to WIS. ADMIN. CODE § ATCP are to the October 2026 register.

[3] Davis's original and amended complaints mislabeled her security deposit claim as arising under WIS. ADMIN. CODE § ATCP 134.06(1); however, the applicable subsections for failure to return a security deposit or provide an accounting of withholding are (2)-(4).

to overturn the judgment in its entirety but does not develop an argument as to the security deposit award, therefore our review is limited to the lock-out claim.[4]

¶3 Davis and Martin both testified at trial, as did Art Stamos, who as far as this court can discern appears to have been Martin's property manager. The trial testimony was chaotic and combative, with frequent interruptions and little time devoted to relevant topics. Nevertheless, we are able to discern the following undisputed material facts.

¶4 After renting a house from Martin for approximately twelve years, Davis began moving out in early October 2022, and by October 6, she had removed most of her belongings and the power had been disconnected. When Davis returned to the house on October 6 to retrieve her remaining property, she could not immediately get in because Martin had changed the locks. Martin did not have a writ of restitution from the court allowing her to exclude Davis from the premises. Davis remained at the property and called the police, who contacted Martin, and Martin promptly went to the house and let Davis in. After letting Davis inside, Martin left, returning later that evening to lock up after Davis had gone.

¶5 The disputed facts involve who was responsible for Davis's alleged loss of personal property, and whether Davis was already residing elsewhere when Martin changed the locks. As to Davis's personal property, she testified that when

[4] Martin does not address the security deposit claim in her brief in chief. In her reply brief, she includes a single sentence about the security deposit, admitting that she did not return it and explaining that this was because Davis owed her $1,700. However, Martin does not develop this argument or provide any legal authority in support, therefore we do not address it. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (1992).

she gained access to the home on October 6, she found that some of her property was "missing," including a Whirlpool range and refrigerator, electric lawnmower, laptop computer, fur coat, and two leather jackets, and accused Martin of taking the items or denying her access to them. Martin and Stamos denied taking Davis's property or preventing her from retrieving it.

¶6 Regarding changing the locks, Martin asserted that she did so in order to secure the premises after Davis was already residing elsewhere. Martin testified that Davis's move-out was "a four, five-day process," during which Davis left the door unlocked twice. After the second instance of leaving the house unlocked, Martin changed the locks. According to Martin, Davis was already living elsewhere and had moved almost all of her personal property out, leaving only the "bigger stuff." Davis denied that she was already in her new apartment by that time. Martin further averred that after changing the locks, she texted Davis: "You left my house unlocked twice. Call me when you're ready to get the rest of your stuff, and I'll let you in."

¶7 Aside from trial testimony, the only other evidence in the record was Davis's itemization of damages and a police call log.[5] The itemization lists each item of personal property Davis claimed was lost, along with their estimated value. The call log shows that the police received a call from Davis on October 6 at 11:13 a.m. and reports "[S]he has been in the process of moving and her landlord changed the locks on her, [she] can't get the rest of her belongings. [She is] waiting outside loc[ation] in her veh[icle]."

[5] During trial, Martin read into the record alleged text messages between her and Davis, and Stamos presented videos and photographs of the property. However, these items were not filed with the circuit court and therefore are not part of the record on appeal.

¶8 At trial, the circuit court repeatedly indicated that its sole concern was whether Martin had a writ of restitution when she changed the locks:

> The issue here is simple. Either you went through the system … do you have proof that on the date that—that you changed the locks that you had a writ of restitution from the court to—that allowed you to take possession of the property? I don't see any of that document there.
>
> ….
>
> So you have to show that you actually came to court and got a writ of restitution that—that gave you an order from the court to go to the sheriff's department, and then the sheriff's department can come with an order—with a writ of restitution—where they can come in and remove the person.
>
> ….
>
> Do you have that?
>
> ….
>
> …So as of September, you were aware that you would have to give her notice, that you would have to follow through with [WIS. STAT. ch.] 704 and 799. And instead of following through as—with the court system, you changed the locks. That's what it sounds like.

¶9 After the parties made their closing arguments, Martin stated that she was feeling faint and dizzy and wanted to go to the restroom. The circuit court took a break in order to accommodate Martin. After waiting for eleven minutes, the court went back on the record, stating that Martin was not in the courtroom and that the court would issue its decision in writing.

¶10 The circuit court entered judgment for Davis on both claims via a written decision stating:

> The Court reviewed the materials on file, heard extensive arguments from both parties and was otherwise duly informed in the matter. For the reasons stated in further

> detail on the record, IT IS HEREBY ORDERED as follows:
>
> (1) Direct the entry of judgment in the amount of $5,048.00 plus court costs, pursuant to [WIS. ADMIN. CODE § ATCP] 134.09(7), [WIS. ADMIN. CODE § ATCP] 134.06(1) and [WIS. STAT.] § 100.20(5) - as a matter of law following the losses suffered after she was locked out of her residence on or about October 6, 2022.

Martin's appeal follows.

DISCUSSION

¶11 Martin contends that the evidence does not support the circuit court's judgment for Davis on her illegal lock-out claim under WIS. ADMIN. CODE § ATCP 134.09(7) and WIS. STAT. § 100.20(5). Martin argues the evidence instead shows that Davis had vacated the property before the locks were changed, and that Davis in fact had access to the property to retrieve her remaining belongings such that the temporary lock-out did not cause her claimed loss. Martin further asserts that admitting Davis's itemization of damages was an error because it was not filed by the deadline set in the pre-trial order, and that the circuit court was biased against her.

¶12 We conclude that the circuit court erred in entering judgment for Davis on her lock-out claim because the evidence did not show that the lock-out caused Davis's alleged loss of property. As such, we do not consider Martin's arguments relating to the itemization of damages or court bias. *See* ***State v. Blalock***, 150 Wis. 2d 688, 703, 442 N.W.2d 514 (Ct. App. 1989) (we decide cases on the narrowest possible grounds).

¶13 "[T]he sufficiency of the evidence is a question of law, which we review de novo." ***Freund v. Nasonville Dairy, Inc.***, 2019 WI App 55, ¶40, 389

Wis. 2d 35, 934 N.W.2d 913. However, this court will not overturn a circuit court's findings of fact unless they are "clearly erroneous," and "due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses." WIS. STAT. § 805.17(2). "[W]here only one reasonable inference can be drawn from the evidence, the drawing of that inference is a question of law. If more than one reasonable inference can be drawn, we accept the inference drawn by the circuit court sitting as fact finder." ***Freund***, 389 Wis. 2d 35, ¶41.

¶14 At issue here are the circuit court's determinations that Martin illegally excluded Davis from the property under WIS. ADMIN. CODE § ATCP 134.09(7), and that Davis lost personal property *because of* the exclusion, entitling her to damages under WIS. STAT. § 100.20(5).

¶15 WISCONSIN ADMIN. CODE § ATCP 134.09(7) reads: "SELF-HELP EVICTION. No landlord may exclude, forcibly evict or constructively evict a tenant from a dwelling unit, other than by an eviction procedure specified under ch. 799, Stats." A "tenant" is defined as "[a] person occupying, or entitled to present or future occupancy of a dwelling unit under a rental agreement[.]" WIS. ADMIN. CODE § ATCP 134.02(12). WISCONSIN STAT. § 100.20(5) provides a private cause of action for violations of § ATCP 134.09(7). Note, WIS. ADMIN. CODE ch. ATCP 134 ("A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under [§] 100.20(5)[.]"). Under § 100.20(5), "Any person suffering pecuniary loss *because of* a violation by any other person of any order issued under this section may sue for damages … and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee." (Emphasis added.).

¶16 The circuit court did not expressly make any factual findings,[6] but we may assume that it found the facts necessary to support its decision. *See* ***State v. Wilks***, 117 Wis. 2d 495, 503, 345 N.W.2d 498 (Ct. App. 1984), *aff'd*, 121 Wis. 2d 93, 358 N.W.2d 273 (1984). Accordingly, we assume the court found that: (1) when Martin changed the locks, Davis was still a tenant; (2) Martin did not have a writ of execution allowing her to exclude Davis from the property when the locks were changed; and (3) Davis lost her personal property because of the lock-out. We need not address whether the evidence was sufficient to support the first two findings because we conclude that there was insufficient evidence supporting the third: causation.

¶17 At trial, under direct examination by her attorney, Davis only briefly testified regarding her loss of personal property, stating that when she returned to the house on October 6:

> [Davis]: [Martin] changed the locks on the house, and I had to call the police to get her to open the door so I could get in and get the rest of my stuff.
>
> [Attorney]: Were you able to get all of your stuff at that time?
>
> [Davis]: No.
>
> [Attorney]: All right. I'm handing you a document, Ms. Martin, and this is document 13 on the record.[7] Ms. Davis, can you tell us what we are looking at here?
>
> [Davis]: The items that was missing.

[6] We remind the circuit court that, when issuing a decision after trial, it must "state separately the facts found and the conclusions of law thereon." WIS. STAT. § 799.215.

[7] Document 13 was the itemization of damages, listing a Whirlpool range and refrigerator, electric lawnmower, laptop computer, fur coat, and two leather jackets.

> [Attorney]: So these are the items that you were unable to recover when the police let you back in?
>
> [Davis]: Yes.

¶18 Likewise, on cross examination, Martin elicited very little testimony from Davis about her claimed loss:

> [Martin]: So Ms. Davis, you're saying that I took your stove and all these items on this list? I have—I had access to that and I kept it from you, is that what you're saying?
>
> [Davis]: Yes, that's what I'm saying.

¶19 We conclude that only one reasonable inference can be drawn from Davis's testimony: Davis was given access to the property on October 6, and the items she claims to have lost were already gone when she got inside. Therefore, the temporary lock-out did not prevent her from recovering them and she cannot obtain damages under WIS. STAT. § 100.20(5).[8] *See, e.g.*, ***Grand View Windows, Inc. v. Brandt***, 2013 WI App 95, ¶21, 349 Wis. 2d 759, 837 N.W.2d 611 (to recover for monetary loss under § 100.20(5), a party must demonstrate a "causal connection" between a prohibited practice and the loss incurred); ***Koble Invs. v. Marquardt***, 2026 WI 19, ¶¶29-30, 420 Wis. 2d 304, 35 N.W.3d 488. Accordingly, we reverse the circuit court's judgment with respect to Davis's WIS. ADMIN. CODE § ATCP 134.09(7) and § 100.20(5) lock-out claim and remand with directions for the circuit court to dismiss it on the merits. Costs awarded to Martin. *See* WIS. STAT. RULE 809.25(1)(a)2.

[8] Davis is able to allege causation in her complaint only by implying that she never obtained access to her personal property after discovering that the locks had been changed. Her complaint omits any mention of the fact that she was given access to the house on October 6.

By the Court.—Judgment affirmed in part, reversed in part and cause remanded with directions.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.