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DISTRICT I

September 9, 2025

To:

Hon. Reyna I. Morales
Circuit Court Judge
Electronic Notice

David J. Karademas
Electronic Notice

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

Eva Nadine Kilmer
Electronic Notice

Raven Neloms
3527 N. 84th Street
Milwaukee, WI 53222

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

2024AP2131

Karademas Enterprises II, LLC v. Raven Neloms
(L.C. # 2024SC15893)

Before Colón, 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).

Karademas Enterprises II, LLC, appeals from a circuit court judgment upholding a court commissioner's small claims award of \$1,529, less than what Karademas had sought in its complaint against Raven Neloms. This case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. The order is summarily reversed as a sanction against Neloms, and the

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.

cause is remanded to the circuit court with instructions to enter judgment on Karademas's behalf in the amount of \$5,091.45, plus applicable circuit court costs.²

Neloms leased an apartment from Karademas, but never moved in. Karademas was able to re-rent the unit a few months later, but Neloms had still accrued a balance of \$5,091.45—three months eighteen days of rent, from the start date of the lease through the date on which Karademas re-rented the unit, plus late fees but minus a \$200 deposit and not including monthly charges for garbage and water. Karademas filed a claim under WIS. STAT. § 704.29(1).³ At the return date on the complaint, the court commissioner entered a default judgment against Neloms, who had failed to appear, for \$1,529 plus costs.⁴ Karademas requested de novo review by the circuit court. *See* WIS. STAT. § 757.69(8).

Neloms also failed to appear at the de novo review hearing. Nevertheless, the circuit court sustained the court commissioner's award, expressing concern over how damaging a large judgment would be to Neloms' credit. The circuit court commented that Neloms "is a young individual, and we don't know what may have had happen[ed]" that led to her not taking possession of the apartment. The circuit court further stated that although sustaining the court commissioner's decision "may not be technically what the statute" requires, a large judgment

² The recovery of any appellate costs is governed by WIS. STAT. RULE 809.25(1).

³ "If a tenant unjustifiably removes from the premises prior to the effective date for termination of the tenant's tenancy and defaults in payment of rent ... the landlord can recover rent and damages except amounts which the landlord could mitigate in accordance with this section[.]" WIS. STAT. § 704.29(1).

⁴ There is no transcript of the default hearing, so it is unclear how the \$1,529 award was determined. There is some suggestion in the record that the amount represents a month's worth of rent, but the lease indicates that the monthly base rent payment was \$1,365.

would be “a significant hit on an individual that ... never moved into that apartment[.]” Karademas appealed.

Karademas filed its appellant’s brief and appendix on February 3, 2025, resulting in a statutory deadline of Monday, March 17, 2025, for Neloms’ responsive brief. *See* WIS. STAT. RULE 809.19(3). Neloms did not file a brief by that deadline. By order dated March 20, 2025, we directed Neloms to file the brief within five days or request an extension for good cause. Neloms did not respond to that order.

By order dated April 24, 2025, we informed Neloms that the respondent’s brief was again overdue. On our own motion, we extended the filing deadline to May 15, 2025, and cautioned Neloms that a failure to file the respondent’s brief puts the appeal at risk of summary reversal. There was no response to the April 24, 2025 order.

By order dated June 3, 2025, we expanded our warning about the consequences for failing to file a respondent’s brief. We explained that 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) (citation omitted), and allows this court to assume that the respondent concedes the issues raised by the appellant, *Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493 (Ct. App. 1979). Thus, if a respondent fails to brief an appeal, we may exercise our discretion and summarily reverse the circuit court provided we determine that the respondent has abandoned the appeal or has acted egregiously or in bad faith. *Raz v. Brown*, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647; *see also Blackdeer*, 176 Wis. 2d at 259-60.

Our June 3, 2035 order also acknowledged, however, that “other judicial interests may not be served by summarily reversing an order on procedural grounds.” Therefore, the matter was ordered submitted to the court without a respondent’s brief. We cautioned Neloms that if the court determined that a respondent’s brief was necessary, we would issue a further order directing Neloms to file a respondent’s brief or face summary reversal.

In an order dated June 20, 2025, this court concluded that a responsive brief was indeed “necessary to the resolution of this appeal.” Pursuant to the supreme court’s directive in *Raz*, 260 Wis. 2d 614, ¶36, we stated that failure to file the respondent’s brief constituted abandonment of the appeal, and we directed Neloms to file her respondent’s brief within fifteen days or “this court will summarily reverse the judgment or order appealed from.” *See id.*; *see also* WIS. STAT. RULE 809.83(2).

To date, no respondent’s brief has been filed.⁵ Therefore,

IT IS ORDERED that the circuit court’s order appealed from is summarily reversed as a sanction for Neloms’ failure to file the respondent’s brief, and the matter is remanded to the

⁵ Although we are reversing primarily as a sanction against Neloms, we would be remiss if we failed to note that the circuit court committed a manifest error of law when, by its own admission, it disregarded any statutory requirements and based its decision on its own hypothetical concerns over the effect of a judgment on a party who had failed to appear. *See State v. White*, 2008 WI App 96, ¶8, 312 Wis. 2d 799, 754 N.W.2d 214 (“A manifest error of law occurs when the circuit court disregards, misapplies, or fails to recognize controlling precedent.”).

Additionally, we conclude it is appropriate to remand with directions to enter judgment in the full amount sought by Karademas because the only issues on appeal are questions of law that we review de novo. *See Kenyon v. Kenyon*, 2004 WI 147, ¶11, 277 Wis. 2d 47, 690 N.W.2d 251 (application of a legal standard to undisputed facts); *Deminsky v. Arlington Plastics Mach.*, 2003 WI 15, ¶15, 259 Wis. 2d 587, 657 N.W.2d 411 (contract interpretation); *State v. Setagord*, 211 Wis. 2d 397, 405-06, 565 N.W.2d 506 (1997) (statutory interpretation).

circuit court with directions to enter judgment in Karademas's behalf in the amount of \$5,091.45, plus applicable circuit court costs.

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

Samuel A. Christensen
Clerk of Court of Appeals