



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT IV

September 11, 2025

To:

Hon. Ann M. Peacock
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Peyton B. Engel
Electronic Notice

2553300 Rock Prairie
c/o Melvin Graham-Jackson
2002 Dunn Place
Madison, WI 53713

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

2025AP651

2553300 Rock Prairie v. Rock Prairie Farms LLC
(L.C. # 2024SC2210)

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).

2553300 Rock Prairie appeals a circuit court order that denied its motion for relief from judgment under WIS. STAT. § 806.07. Based on my review of the briefs and record, I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. I affirm. Separately, I grant Rock Prairie Farms LLC's motion for costs, fees, and reasonable attorney fees under WIS. STAT. § 809.25(3), and I remand to the circuit court for a determination of the sanctions amount.

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

Background

This action was commenced in April 2024, when Melvin Graham-Jackson filed an eviction complaint in the Dane County Circuit Court on behalf of 2553300 Rock Prairie. According to Graham-Jackson, 2553300 Rock Prairie is a trust that owns a parcel of real property in Rock County (the “property”) and Graham-Jackson is 2553300 Rock Prairie’s trustee. For ease of reading and to distinguish it from the defendant, Rock Prairie Farms LLC, this opinion often refers to 2553300 Rock Prairie as “the Trust.”²

The complaint, which Graham-Jackson signed on behalf of the Trust, sought to evict Rock Prairie Farms from the property. Attached to the complaint was a June 16, 2023 quitclaim deed that Graham-Jackson signed, purportedly on behalf of Rock Prairie Farms, to transfer the ownership of the property from Rock Prairie Farms to the Trust.

Rock Prairie Farms filed a motion to dismiss the Trust’s complaint. In its motion, Rock Prairie Farms argued that the complaint should be dismissed based on the doctrines of claim preclusion and issue preclusion, among other things. Regarding these doctrines, Rock Prairie Farms argued that the underlying dispute was about the ownership of the property, and that issue had already been decided in *Rock Prairie Farms LLC v. Graham-Jackson*, Rock County Case No. 2023SC3047 (filed Nov. 3, 2023) (the “original Rock County eviction action”).

Rock Prairie Farms’ motion to dismiss provided the following information about the original Rock County eviction action. Rock Prairie Farms filed that action to evict Graham-

² Rock Prairie Farms appears to question whether 2553300 Rock Prairie is a legal trust. I need not and do not decide that issue here.

Jackson from the property, and Graham-Jackson defended against that action by claiming that the Trust, which he controlled, was the true owner of the property. The Rock County Circuit Court rejected Graham-Jackson's claim and explicitly determined that "Rock Prairie Farms LLC is the true owner of the [property]." Graham-Jackson then filed a second Rock County eviction action seeking to relitigate the issue, *Graham-Jackson v. Rock Prairie Farms LLC*, Rock County Case No. 2023SC3514. The Rock County Circuit Court dismissed the second action based on the doctrine of claim preclusion—specifically, its prior determination that Rock Prairie Farms owns the property, and that neither Graham-Jackson nor the Trust own the property.

The motion to dismiss that Rock Prairie Farms filed in this case also addressed the legitimacy of the quitclaim deed that was attached as an exhibit to the Trust's complaint. It argued that the quitclaim deed evinced a "sham transaction" that did not validly transfer the ownership of the property from Rock Prairie Farms to the Trust. The motion further argued: "Even after two court judgments stating that Rock Prairie Farms LLC, and not [the Trust], is the true owner of the property at issue, Mr. Graham-Jackson persists in relying on the quit claim deed and attempting to relitigate the question."

The circuit court held a hearing on May 3, 2024, and the court issued a written order shortly thereafter (the "dismissal order"). According to the dismissal order, the court dismissed the matter with prejudice "for the reasons set forth in [Rock Prairie Farms'] Motion to Dismiss." The record does not contain a transcript of the May 3, 2024 hearing.

The Trust appealed the dismissal order. This court eventually dismissed the appeal after the Trust failed to file an appellant's brief. *2553300 Rock Prairie v. Rock Prairie Farms LLC*, No. 2024AP920, unpublished op. and order (WI App Aug. 16, 2024).

Then, in February 2025, the Trust filed the motion that is the subject of the current appeal: a motion for relief from judgment and to reopen the case. In its motion, the Trust alleged that it was entitled to relief because the circuit court’s dismissal order failed to provide reasoning for its decision; because the Dane County court lacked jurisdiction over the Rock County property; because of alleged misconduct by the attorneys representing Rock Prairie Farms; and because the court failed to consider key evidence. On this last argument, the Trust argued that the court “ignored the deed providing that the property is owned by [the Trust], which is a crucial piece of evidence affecting standing and ownership rights.” The Trust further alleged that the deed was newly discovered evidence under WIS. STAT. § 806.07(1)(b), and that the court’s failure to consider the deed constituted “extraordinary circumstances” entitling the Trust to relief under § 806.07(1)(h).

The circuit court issued a written order denying the WIS. STAT. § 806.07 motion (“the denial order”). The denial order stated: “The arguments set forth in the motion to reopen are frivolous and [the Trust’s] Motion to Reopen is DENIED.” The denial order did not explicitly address the quitclaim deed by name, but it stated: “With respect to [the Trust’s] remaining arguments, the arguments do not support a motion to reopen.... To the extent that [the Trust] believes this Court failed to consider evidence, [the Trust] could have raised any issues on appeal but failed to do so.”

Discussion

The Trust’s appeal is built around its assertion that the circuit court “dismissed the case without acknowledging” the quitclaim deed, which is a “critical document.” And even if the court was aware of the deed, the Trust argues, the court “overlooked” its “legal significance.”

Under the circumstances, the Trust argues, the quitclaim deed constitutes newly discovered evidence under WIS. STAT. § 806.07(1)(b), and the Trust is entitled to relief based on extraordinary circumstances under § 806.07(1)(h). The Trust also argues that the court’s failure to consider “dispositive evidence” was a “fundamental deprivation” of its due process rights.

Rock Prairie Farms timely filed a respondent’s brief. It also filed a motion seeking sanctions under WIS. STAT. § 809.25(3), which provides an avenue for this court to sanction a party with respect to a frivolous appeal. The Trust did not file a reply brief, nor did it respond to Rock Prairie Farms’ sanctions motion.³

The Trust’s arguments are unsupported and frivolous. As stated, the Trust’s arguments turn on its assertion that the circuit court failed to consider the quitclaim deed. Yet, as shown above, the quitclaim deed was attached to the complaint and it has been a central focus of not only this action, but also the original Rock County eviction action. Although the dismissal order here did not specifically mention the quitclaim deed, there was no reason for it to do so—the court indicated that it dismissed the complaint for the reasons set forth in Rock Prairie Farms’ motion to dismiss, and the quitclaim deed was discussed at length in that motion. Under the circumstances, the quitclaim deed is plainly not newly discovered evidence as defined by WIS. STAT. § 806.07(1)(b). Nor is there a viable argument about extraordinary circumstances under § 806.07(1)(h). See *Miller v. Hanover*, 2010 WI 75, ¶¶35-36, 326 Wis. 2d 640, 785 N.W.2d 493 (“[E]xtraordinary circumstances are those where ‘the sanctity of the final judgment is

³ After briefing was complete and this appeal was submitted to this court for decision, this court issued a decision in another case that addressed related issues, *Graham-Jackson v. Martin*, No. 2024AP2274, unpublished slip op. (WI App Aug. 7, 2025). Rock Prairie Farms filed a motion asking this court to take notice of the August 7, 2025 decision in the *Graham-Jackson* case as supplemental authority. I grant the motion.

outweighed by the incessant command of the court’s conscience that justice be done in light of all the facts.’” (alteration in original; citations omitted)).

Turning to Rock Prairie Farms’ sanctions motion, I conclude that Rock Prairie Farms is entitled to the costs, fees, and reasonable attorney fees that it incurred in defending against this appeal. WISCONSIN STAT. RULE 809.25(3)(c) defines what it means for an appeal to be frivolous as follows:

1. The appeal or cross-appeal was filed, used or continued in bad faith, solely for purposes of harassing or maliciously injuring another.
2. The party or the party’s attorney knew, or should have known, that the appeal or cross-appeal was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.

Here, not only is the Trust’s argument based on an unsupported assertion that the circuit court failed to consider the quitclaim deed, but the Trust also fails to acknowledge that its argument about the legal significance of that deed has been considered and rejected in at least one prior action, if not more. Under the circumstances, I need not decide whether this appeal was filed or continued in bad faith solely for the purpose of harassing or injuring Rock Prairie Farms, since I can easily conclude that the entire appeal is frivolous. *See Howell v. Denomie*, 2005 WI 81, ¶9, 282 Wis. 2d 130, 698 N.W.2d 621. More specifically, I conclude that Graham-Jackson, who filed and continued the appeal on the Trust’s behalf, knew or should have known that the entire appeal was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law.

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Rock Prairie Farms' motion for costs, fees, and reasonable attorney fees under WIS. STAT. § 809.25(3)(c) is granted, and the matter is remanded to the circuit court to determine the sanctions amount.

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

Samuel A. Christensen
Clerk of Court of Appeals