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DISTRICT IV

October 2, 2025

To:

Hon. Gloria L. Doyle
Circuit Court Judge
Electronic Notice

Sean W. O'Neill
Electronic Notice

Tammy Pedretti
Clerk of Circuit Court
La Crosse County Courthouse
Electronic Notice

Nicholas Glen Vermeul
Electronic Notice

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

2024AP2020

In re the marriage of: Leah Rose Vermeul v. Nicholas Glen
Vermeul (L.C. # 2021FA372)

Before Graham, P.J., Kloppenburg, and Nashold, JJ.

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).

Nicholas Vermeul appeals an order denying his motion to modify custody and placement and his motion to reopen the divorce judgment. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We affirm.

The parties were divorced in January 2024. Vermeul filed his motions in September 2024.

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

As to Vermeul's request to modify custody and placement, the circuit court noted that this request was subject to the statutory restriction on such modifications within two years after divorce. *See* WIS. STAT. § 767.451(1)(a). That restriction requires a showing that the modification is necessary because the current custodial conditions are physically or emotionally harmful to the best interest of the child.

On appeal, Vermeul does not develop an argument as to how the circuit court erred in denying this request. He states that he presented evidence that the child was experiencing emotional harm, but he does not describe that evidence further. We have reviewed the motion to change legal custody and physical placement and its attachments, and they do not contain any factual allegations that describe the emotional condition of the child at that time. Vermeul has not shown a basis to reverse this decision.

Regarding Vermeul's request to reopen the judgment, in our order of December 5, 2024, we construed his motion for reconsideration in the circuit court as one for relief from the divorce judgment under WIS. STAT. § 806.07, as to custody and placement.

On appeal, Vermeul argues that there was a basis to reopen the judgment based on newly discovered evidence, but he does not describe the evidence. We have reviewed the materials that Vermeul provided to the circuit court. Some of his allegations appear to relate to events in October 2021, which occurred before the January 2024 divorce judgment, and it is not clear how these would meet the test for newly discovered evidence. *See* WIS. STAT. §§ 805.15(3); 806.07(1)(b). To the extent that Vermeul is relying on evidence of events after the divorce judgment, those would more properly be the subject of a motion to modify custody and placement, though still subject to the statutory restriction that we described above.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals