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**DISTRICT IV**

February 5, 2026

*To:*

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Jalateefa Joe-Meyers  
926 Centre Street  
Dallas, TX 75208

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

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2024AP157

Marilyn Harper v. Jalateefa Joe-Meyers (L.C. # 2023CV2806)

Before Graham, P.J., Kloppenburg, and Taylor, 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).**

Jalateefa Joe-Meyers appeals a default judgment in favor of Marilyn Harper for money damages and declaratory relief. Joe-Meyers argues that the circuit court erred by granting default judgment and rejecting her claim that she failed to timely answer Harper's complaint due to excusable neglect. 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).<sup>1</sup> We summarily affirm.

On October 23, 2023, Harper filed this action against Joe-Meyers seeking damages for Joe-Meyers' default on a promissory note for their joint purchase of real property ("the property"). Harper also sought declaratory relief related to the transfer of the title to the property.

Joe-Meyers failed to answer the complaint within twenty days, and Harper moved for default judgment on November 29, 2023. *See* WIS. STAT. § 801.09(2)(a)1. (answer must be filed within twenty days of service of the complaint); WIS. STAT. § 806.02 (default judgment). In response, Joe-Meyers filed an untimely answer and affirmative defenses on December 21, 2023. Joe-Meyers did not file a separate motion under WIS. STAT. § 801.15(2)(a) seeking an enlargement of time to answer the complaint.

The circuit court held a default judgment hearing on December 28, 2023. At the hearing, Joe-Meyers testified that she failed to file an answer within twenty days of service of the complaint because she was "under duress." Specifically, Joe-Meyers testified as follows. As of October 2023, Joe-Meyers and her teenage daughter had moved into the property after having left their previous home due to acts of domestic violence by Joe-Meyers' adult daughter. Although Joe-Meyers did not obtain Harper's approval to move into the property, she informed Harper she was doing so. Joe-Meyers was served with the complaint on October 26, 2023, and on that date she was removing personal property from her previous home. On October 29, 2023,

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

county sheriff's deputies entered the property with Harper while Joe-Meyers was out of town and her teenage daughter was present. The sheriff's deputies yelled at her daughter and Joe-Meyers listened "on the phone in duress." On November 6, 2023, Joe-Meyers experienced a "very traumatizing event" in which Harper, along with a group of people, arrived at the property and threatened to "choke" Joe-Meyers and her teenage daughter or "beat [them] up." That event culminated in Joe-Meyers being arrested and spending two hours in jail. Joe-Meyers "suffer[s] from depression and anxiety," and the experience caused her "extreme ... depression and PTSD," so that she fell into a "deep depression" and "did not leave [her] home or [her] bed for three weeks." Joe-Meyers spoke to her mental health providers, and when she "came back up," she discovered that there was a twenty-day deadline to answer the complaint and that the time had passed.

The circuit court determined that the facts did not amount to excusable neglect for failure to answer the complaint. Accordingly, the court granted default judgment to Harper. Joe-Meyers appeals.

If a defendant fails to timely answer a complaint, the circuit court may enter a default judgment. *See* WIS. STAT. § 806.02. The decision whether to grant a default judgment is addressed to the discretion of the circuit court, and we will reverse that decision only if the court erroneously exercised its discretion. ***Martin v. Griffin***, 117 Wis. 2d 438, 442, 344 N.W.2d 206 (Ct. App. 1984). A court properly exercises its discretion when it considers the facts of record under the proper legal standard and reaches a reasonable decision. ***Burkes v. Hales***, 165 Wis. 2d 585, 590-91, 478 N.W.2d 37 (Ct. App. 1991). "Because the exercise of discretion is so essential to the [circuit] court's functioning, we generally look for reasons to sustain discretionary decisions." ***Id.*** at 591 (quoted source omitted). Thus, we will affirm the court's decision to

grant a default judgment “unless it was impossible for the ... court to grant the judgment in the exercise of its discretion.” *Martin*, 117 Wis. 2d at 442.

Similarly, the decision whether to grant a request to enlarge the time to answer a complaint is a matter left to the circuit court’s discretion. *See* WIS. STAT. § 801.15(2)(a); *Hedtcke v. Sentry Ins. Co.*, 109 Wis. 2d 461, 467, 326 N.W.2d 727 (1982). “If the motion is made after the expiration of the specified time, an order enlarging the time for performing an act must be based on a finding of excusable neglect; when the circuit court determines that there is no excusable neglect, the motion must be denied.” *Hedtcke*, 109 Wis. 2d at 468. Excusable neglect is “that neglect which might have been the act of a reasonably prudent person under the same circumstances.”” *Id.* (quoted source omitted). The burden of establishing excusable neglect is on the party seeking an enlargement of time for filing an answer. *Split Rock Hardwoods, Inc. v. Lumber Liquidators, Inc.*, 2002 WI 66, ¶50, 253 Wis. 2d 238, 646 N.W.2d 19. We review a circuit court’s determination as to whether excusable neglect exists for an erroneous exercise of discretion. *Leonard v. Cattahach*, 214 Wis. 2d 236, 243-44, 571 N.W.2d 444 (Ct. App. 1997).

On appeal, Joe-Meyers argues that the circuit court erred by denying her request for accommodations under the Americans with Disabilities Act (ADA). She asserts that she described to the court that she was unable to timely answer the complaint because she “experience[d] over a month of catatonia,” and that she made a request for ADA accommodations to file her answer. She asserts that the court denied her request despite

documentation supporting her request.<sup>2</sup> However, Joe-Meyers does not provide any citations to the record to support her assertions that she informed the court that she experienced catatonia, that she requested ADA accommodations with supporting documentation, or that the court denied such a request. Additionally, our review of the record indicates that Joe-Meyers has made those assertions for the first time on appeal.<sup>3</sup> Accordingly, we do not further address her argument based on those assertions. *See State v. Boshcka*, 178 Wis. 2d 628, 637, 496 N.W.2d

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<sup>2</sup> Joe-Meyers also states that the circuit court made additional comments as to her ADA request at a subsequent hearing that she asserts was held on April 2, which appears to mean April 2, 2024. There is no transcript of that purported hearing in the record, and we therefore do not consider any facts asserted by Joe-Meyers related to an April 2 hearing. *See State v. Boshcka*, 178 Wis. 2d 628, 637, 496 N.W.2d 627 (Ct. App. 1992) (we do not consider arguments unsupported by citations to the record). In any event, the notice of appeal was filed on January 29, 2024, and any subsequent decisions by the circuit court are outside the scope of this appeal. *See Chicago & N.W.R.R. v. LIRC*, 91 Wis. 2d 462, 473, 283 N.W.2d 603 (Ct. App. 1979), *aff'd*, 98 Wis. 2d 592, 297 N.W.2d 819 (1980) (appeal from a judgment does not embrace circuit court decisions made after the judgment appealed).

<sup>3</sup> Our review of the record indicates the following. Joe-Meyers submitted two set of documents in the circuit court related to the motion for default judgment. First, on December 28, 2023 (the day of the default judgment hearing), Joe-Meyers submitted: (1) a memo by the Dane County Zoning Administrator; (2) an email from Harper to Joe-Meyers regarding an inspection report for the property; and (3) emails between Harper and an attorney regarding the draft operating agreement between Harper and Joe-Meyers for an LLC. On January 10, 2024 (after the court made its oral ruling granting default judgment, and the day it signed the default judgment), Joe-Meyers filed the following additional material (along with copies of some of the previously submitted material): (1) a counter-offer for the purchase of the property; (2) an email from a bank regarding insufficient funds for a payment for the LLC; (3) a letter from a behavioral health provider stating that, based on her “emotional disability,” Joe-Meyers had been prescribed an emotional support animal; (4) a warranty deed; (5) text messages between Harper and Joe-Meyers regarding the property; (6) Joe-Meyers’ medical records regarding an emergency room visit after a car accident on December 29, 2023; (7) medical records from a clinic visit on November 8, 2023, in which Joe-Meyers reported experiencing stress and depression; and (8) notes from social workers and medical providers that appear to concern referrals for community resources. None of those documents support Joe-Meyers’ claims that she experienced a month of catatonia or that she asked the circuit court for ADA accommodations.

Joe-Meyers also submitted additional arguments and material with the notice of appeal filed on January 29, 2024. We do not consider that material because it was not before the circuit court at the time it issued the decision that is the subject of this appeal. *See Coopman v. State Farm Fire and Cas. Co.*, 179 Wis. 2d 548, 556, 508 N.W.2d 610 (Ct. App. 1993) (“[W]e will not consider factual matters raised for the first time on appeal; our review is confined to the facts in the record before the [circuit] court at the time it decided the [issue appealed].”).

627 (Ct. App. 1992) (we do not consider arguments unsupported by citations to the record); *Wisconsin Dep’t of Tax’n v. Scherffius*, 62 Wis. 2d 687, 696-97, 215 N.W.2d 547 (1974) (“[A]s a matter of judicial policy, we decline to consider legal arguments that are posed for the first time on appeal and which were not raised in the [circuit] court.”).

Joe-Meyers does not develop any argument that the circuit court erroneously exercised its discretion by granting default judgment based on the facts presented and arguments developed in the circuit court. We affirm on that basis. See *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (we will not abandon our neutrality to develop arguments for a party).

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*