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DISTRICT II

March 25, 2026

To:

Hon. David P. Wilk
Circuit Court Judge
Electronic Notice

Lavell Graig
5500 - 60th Street, Unit #108
Kenosha, WI 53144

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Dale Kranz
5500 - 60th Street, Unit #108
Kenosha, WI 53144

Tayr Kilaab al Ghashiyah
1868 - 22nd Avenue, Apt.# 1103
Kenosha, WI 53140

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

2025AP1337

Tayr Kilaab al Ghashiyah v. Dale Kranz (L.C. #2024CV1375)

Before Neubauer, P.J., Gundrum, and Grogan, 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).

Tayr Kilaab al Ghashiyah appeals from an order dismissing his complaint against Dale Kranz and Lavell Graig. Neither Kranz nor Graig have filed a responsive brief. Based upon 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 Based on Kranz's and Graig's failure to file a responsive brief, we reverse the order of the circuit court dismissing

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

al Ghashiyah's complaint, and remand the matter for further proceedings consistent with this opinion.

On December 10, 2024, al Ghashiyah filed a complaint asserting that Kranz and Graig failed to satisfy a judgment entered on August 15, 2024 in Kenosha County Case No. 2024SC2254, and alleged that he undertook actions seeking to recover on the debt. al Ghashiyah filed a motion for default on February 21, 2025. On May 7, 2025, the circuit court dismissed the complaint, determining that the matter had not been diligently prosecuted, and the "matter was already litigated in 24SC2254." This appeal follows.

On appeal, al Ghashiyah contends that the circuit court erred in determining that the matter was already litigated because both respondents defaulted, and the complaint relates to actions taken to recover the judgment debt that occurred after judgment was entered in Case No. 2024SC2254. Tayr Kilaab al Ghashiyah seeks reversal of the court's order.

Neither Kranz nor Graig have filed a brief responding to al Ghashiyah's arguments. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493 (Ct. App. 1979) (unrefuted arguments are deemed conceded). On August 22, 2025, we informed Kranz and Graig that their responsive brief was delinquent and advised that, absent the filing of a brief within five days, the judgment or order appealed from will be disposed of summarily and may be summarily reversed. On September 11, 2025, we again warned Kranz and Graig that if they failed to file a responsive brief by September 26, 2025, we could exercise our discretion and summarily reverse the order of the circuit court provided that we determine that they had abandoned the appeal. *See Raz v. Brown*, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647; *see also State ex rel. Blackdeer v. Township of Levis*, 176 Wis. 2d 252, 259-60,

500 N.W.2d 339 (Ct. App. 1993) (summary reversal is the appropriate sanction for respondent's violation of briefing requirements).

On February 9, 2026, we advised that the respondents' brief is necessary to the resolution of this appeal, and that the failure to file such a brief constitutes an abandonment of the appeal.² We further advised that, if a brief was not filed by March 2, 2026, we intended to summarily reverse the appealed from order. *See* WIS. STAT. RULE 809.83(2).

Kranz and Graig have abandoned the appeal by failing to file a responsive brief. Summary reversal is appropriate. Based on Kranz's and Graig's failure to file a responsive brief, we reverse the order of the circuit court dismissing al Ghashiyah's complaint, and remand the matter for further proceedings consistent with this opinion.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court dismissing Tayr Kilaab al Ghashiyah's complaint is summarily reversed, and the cause remanded for further proceedings consistent with this opinion, pursuant to WIS. STAT. RULE 809.21.

² For example, we have no responsive brief to address the alleged default, the circuit court's determination that the case was not diligently prosecuted, or a copy of the complaint in the prior case to determine what was litigated. While the court appears to have appropriately determined that the amount owing of \$650 for the car was established and could not be increased, among other things, whether the plaintiff appropriately stated a claim for relief to recover the debt in this action with the subsequent "repossession" of the car, and if so, whether value of the car satisfied the judgment debt. are all subsequent events raised by the plaintiff and are unaddressed by the respondents.

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

Samuel A. Christensen
Clerk of Court of Appeals