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DISTRICT I

August 18, 2026

To:

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Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
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Karin E. Nielsen
4300 North 100th Street
Wauwatosa, WI 53222

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

2023AP1812

Karin E. Nielsen v. Steggeman Investments, LLC
(L.C. # 2021CV4452)

Before Donald, C.J., Colón, P.J., and Geenen, J.

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).

Karin E. Nielsen, pro se, appeals from an order dismissing her action against Steggeman Investments, LLC, with prejudice. 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 We summarily affirm.

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

On July 27, 2021, Nielsen filed a personal injury claim alleging negligence against Steggeman.² She claimed that on April 4, 2020, she sustained injuries to her wrist when she tripped and fell on a “makeshift stack of concrete bricks” at her property, which she rented from Steggeman. She sought damages for medical expenses, loss of income, and pain and suffering.

In preparation for trial, the circuit court issued a scheduling order for this matter. Among other things, the order set a deadline of March 2, 2022, for Nielsen to name any expert witnesses she intended to utilize. Nielsen filed her witness list within the deadline set in the scheduling order, listing a number of medical providers as expert witnesses. However, in a motion in limine subsequently filed by Steggeman, they sought to preclude Nielsen from presenting any expert opinions because she had not fully complied with the scheduling order; specifically, she did not identify where in her medical records any expert opinions were located, nor did she submit separate reports for any expert opinions not contained her medical records.

At a hearing on the motion in limine in August 2023, approximately one month before the trial was scheduled to begin, the circuit court allowed Nielsen additional time to provide information regarding the expert opinions she intended to present at trial.³ On the morning of trial, the court reviewed medical documents submitted by Nielsen regarding an X-ray taken of her right wrist in July 2020 revealing a “possible dorsal triquetral avulsion fracture,” and a

² Michael Steggeman and Auto-Owners Insurance Company are also named defendants-respondents in this matter. We refer to them collectively as “Steggeman.”

³ This and other procedural background for this matter was obtained from electronic docket entries, of which we may take judicial notice. See *State v. Aderemi*, 2023 WI App 8, ¶7 n.3, 406 Wis. 2d 132, 986 N.W.2d 306. The docket entries also indicate that during the time between the deadline set in the scheduling order and the hearing on the motion in limine, Nielsen’s counsel withdrew and she was attempting to retain new counsel.

follow-up appointment in August 2020 indicating that Nielsen “did undergo nerve testing, which demonstrated carpal tunnel.”

Upon its review of those documents, the circuit court granted Steggeman’s motion in limine. In its order, dated September 20, 2023, the court stated that Nielsen was precluded from “introducing expert opinions not disclosed by the plaintiff in her witness list pursuant to the [c]ourt’s scheduling order.” The court further found that the medical documents submitted by Nielsen did not demonstrate a causal connection between her wrist injuries and her fall, stating that “the lack of necessary expert opinion testimony constitutes insufficiency of evidence as a matter of law.” As a result, the court also dismissed the action with prejudice. This appeal follows.

The basis for the circuit court’s order dismissing Nielsen’s action is her violation of the scheduling order’s provisions regarding expert witnesses. “A circuit court has both statutory and inherent authority to control its docket through a scheduling order, provided that the court first consults with the parties’ counsel and any unrepresented party.” *260 N. 12th St., LLC v. DOT*, 2011 WI 103, ¶57, 338 Wis. 2d 34, 808 N.W.2d 372.

As noted above, the scheduling order issued in this matter included certain requirements relating to expert testimony. Specifically, the scheduling order stated that a separate report from any expert named by Nielsen was not required as long as the experts’ “opinions at trial will be limited to and consistent with opinions that are stated in medical records previously generated by that witness,” with the requirement that Nielsen “summarize and identify where in the records the opinions are located.” These requirements reflect the burden of proof necessary for establishing causation in medical matters, where expert testimony is often “essential” to explain

concepts that are “beyond the common knowledge or experience of jurors[.]” *Estate of Hegarty v. Beauchaine*, 2006 WI App 248, ¶154, 297 Wis. 2d 70, 727 N.W.2d 857.

The only apparent attempt Nielsen made to comply with these requirements of the scheduling order was when she submitted medical documents just prior to trial—long after her deadline set in the scheduling order, and after being allowed more time to comply by the circuit court—describing an X-ray taken of her wrist and testing that showed she has carpal tunnel syndrome. Furthermore, there was no indication from the medical provider listed on those documents that these conditions were related to her fall.

“A party’s failure to follow a scheduling order is grounds for sanctions at the circuit court’s discretion.” *260 N. 12th St., LLC*, 338 Wis. 2d 34, ¶58. Sanctions may be imposed for violations of the scheduling order pursuant to WIS. STAT. § 802.10(7), as set forth in WIS. STAT. § 804.12. According to § 804.12, the circuit court may sanction a party for failing to follow an order by “refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the disobedient party from introducing designated matters in evidence[.]” Sec. 804.12(2)(a)2. The court may also “dismiss[] the action or proceeding or any part thereof[.]” Sec. 804.12(2)(a)3.

Dismissal of an action as a sanction imposed by the circuit court under WIS. STAT. § 804.12 for failure to comply with court orders is limited to situations where “the non-complying party has acted egregiously or in bad faith.” *Industrial Roofing Servs., Inc. v. Marquardt*, 2007 WI 19, ¶43, 299 Wis. 2d 81, 726 N.W.2d 898, *opinion clarified on denial of reconsideration*, 2007 WI 62, 301 Wis. 2d 30, 731 N.W.2d 634. The “failure to comply with circuit court scheduling and discovery orders without [a] clear and justifiable excuse” has been

deemed to be egregious conduct. *Garfoot v. Fireman’s Fund Ins. Co.*, 228 Wis. 2d 707, 719, 599 N.W.2d 411 (Ct. App. 1999) (citation omitted). That is essentially what the circuit court did when it dismissed Nielsen’s action for failing to present expert opinions, in accordance with the scheduling order, to support her case.

“The decision to impose sanctions and the decision of which sanctions to impose, including dismissing an action with prejudice, are within a circuit court’s discretion.” *Industrial Roofing Servs.*, 299 Wis. 2d 81, ¶41. In her appellate brief, Nielsen states that the circuit court “erred as a matter of law in not allow [sic] discovery witnesses or my requested trial by jury,” without providing any further argument on this issue. We will not develop arguments for parties. *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82.

Furthermore, we observe that the circuit court’s September 20, 2023 order dismissing this action noted that its decision was based on “reasons stated on the record” at a hearing held on September 11, 2023. However, no transcript of that hearing is included in the record. Without a complete record, which is the appellant’s responsibility to provide, this court “presume[s] the missing record supports the circuit court’s decision.” *Joseph Hirschberg Revocable Living Tr. v. City of Milwaukee*, 2014 WI App 91, ¶12 n.5, 356 Wis. 2d 730, 855 N.W.2d 699. In short, Nielsen has not provided any basis to support her claim that the circuit court erred in dismissing her action as a sanction for noncompliance with the scheduling order. See *Industrial Roofing Servs.*, 299 Wis. 2d 81, ¶41.

Additionally, Nielsen urges us to review a subsequent order of the circuit court denying her motion seeking waiver of the transcript fees in this matter. The court heard that motion at a hearing held on April 11, 2024, and an order denying the motion was entered on April 16, 2024.

However, the notice of appeal for this case, seeking review of the circuit court's September 20, 2023 order dismissing the action, was filed by Nielsen on September 28, 2023. Our review in this appeal, therefore, is limited to the record that was before the circuit court at the time it issued its September 20, 2023 order. *See South Carolina Equip., Inc. v. Sheedy*, 120 Wis. 2d 119, 125-26, 353 N.W.2d 63 (Ct. App. 1984) (an appellate court can only review matters of record in the circuit court and cannot consider new matters outside of that record). Newly filed documents or orders issued by the circuit court after the September 20, 2023 written order are outside the scope of our review for this appeal.

Moreover, Nielsen's time to appeal the circuit court's order denying her motion for transcript fee waiver has passed. Unless a valid notice of entry of judgment is given, limiting the time for appeal to forty-five days from the entry of a final judgment or order, a notice of appeal must be filed within ninety days of entry of a final judgment or order. WIS. STAT. § 808.04(1). The court of appeals has no jurisdiction over an appeal that is not timely taken. WIS. STAT. RULE 809.10(1)(e); *see also La Crosse Tr. Co. v. Bluske*, 99 Wis. 2d 427, 428, 299 N.W.2d 302 (Ct. App. 1980). Furthermore, the time to appeal cannot be extended in a civil matter. WIS. STAT. RULE 809.82(2)(b).

As such, the deadline for filing a timely notice of appeal from the order denying Nielsen's motion for the waiver of transcript fees was on or about November 14, 2024. Nielsen

did not file a notice of appeal for that order. Therefore, this court does not have jurisdiction to review that order in this matter. *See* WIS. STAT. RULE 809.10(1)(e).

However, for the foregoing reasons, we affirm the order of the circuit court dismissing Nielsen's action against Steggeman with prejudice.

Therefore,

IT IS ORDERED that the order is summarily affirmed. *See* 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