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**DISTRICT III**

January 14, 2025

To:

Hon. David L. Weber  
Circuit Court Judge  
Electronic Notice

Logan Homolka

Dakota Homolka

Connie DeFere  
Clerk of Circuit Court  
Door County Courthouse  
Electronic Notice

Kiyohé Lopez  
Electronic Notice

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

2023AP1815  
2023AP1816

Logan Homolka v. Kiyohé Lopez (L. C. No. 2023CV141)  
Dakota Homolka v. Kiyohé Lopez (L. C. No. 2023CV142)

Before Stark, P.J., Hruz and Gill, 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).**

In these consolidated cases, Kiyohé Lopez, pro se, appeals harassment injunctions entered against her for the protection of Logan and Dakota Homolka.<sup>1</sup> Based upon our review of Lopez's brief and the appellate records,<sup>2</sup> we conclude at conference that these appeals are

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<sup>1</sup> Throughout the remainder of this summary disposition order, we refer to Logan and Dakota Homolka, individually, by their first names. As necessary, we refer to them collectively as "the Homolkas." The appellate records reflect that Logan and Dakota are husband and wife.

<sup>2</sup> The Homolkas did not file a brief in these appeals.

appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>3</sup> We summarily affirm.

On September 14, 2023, Logan and Dakota each filed a petition for a harassment injunction against Lopez. The petitions alleged that Lopez, who lived in the same apartment building as the Homolkas, had repeatedly called the police and falsely reported that the Homolkas were abusing a dog and selling drugs.

Several police reports were attached to the Homolkas' petitions. One report recounted that on June 24, 2023, the police were dispatched to the Homolkas' apartment for a "threatening complaint." When an officer arrived on the scene, the Homolkas reported that Lopez had come to their door earlier that day, had accused the Homolkas of abusing their newly adopted puppy, and had threatened to call the police. Lopez then "raised her hand as if she was going to swing at" Logan, and Logan slammed the door.

Dakota told the responding officer that the Homolkas had adopted the puppy a week earlier; however, the puppy was difficult to control, it had "bit[ten] at" them, and Dakota was scared of it. Dakota reported that the dog was in the Homolkas' bathroom with food and water, that the Homolkas' friend was going to pick them up for the night, and that they planned to surrender the dog to the humane society in the morning. The officer then spoke with Lopez, who accused the Homolkas of "shouting at" the dog and stated that she could hear the dog whining from her apartment. She also accused the Homolkas of "selling marijuana and being up all hours of the night."

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<sup>3</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

According to a second police report, the following day, Lopez called the police to report that the Homolkas were abusing and neglecting their puppy. She accused the Homolkas of yelling at the puppy, locking it in a bathroom, and failing to take it outside. An officer made contact with the Homolkas at their apartment to check on the puppy's welfare, but the Homolkas stated "they did not have possession of a puppy anymore and had returned it to the original owner." The officer "did not observe any signs of a puppy in the [Homolkas'] apartment," and "[n]o further action [was] taken."

A third police report stated that on September 7, 2023, Lopez called the police to report that the Homolkas had "secretly gotten another dog," which Lopez believed "was being abused like the last one and [was being left] confined for long periods of time." An officer made contact with the Homolkas at their apartment, and the Homolkas denied having a dog inside. Dakota told the officer that they had "returned" their dog in June. The Homolkas allowed the officer to check their apartment, and he found no animals or "animal commodities" inside. Based on his observations, the officer concluded that the Homolkas "do not currently house a dog."

A fourth police report recounted that on September 11, 2023, an officer "followed up with an e-mailed complaint" from Lopez again asserting that the Homolkas had a dog in their apartment. The officer went to the Homolkas' apartment, but they were not home. However, the officer spoke with Dakota, who "assured [the officer] there was no dog inside the residence." Dakota also advised the officer that she was "feeling harassed by Lopez as [Lopez] is telling everyone at the apartment complex that [the Homolkas] are drug dealing and abusing animals." The officer then spoke with the manager of the apartment building, who "stated she is in regular contact with the Homolkas and knows they do not have a dog inside their apartment."

The circuit court held a hearing on the Homolkas' petitions on September 22, 2023. During the hearing, Dakota testified regarding the information contained in the police reports. In particular, she testified that the Homolkas had a puppy for about one week in June 2023, but they returned the puppy to its former owner after learning that it had "aggression problems." Dakota testified that the Homolkas did not confine the puppy in their apartment until the last day they had it, when the puppy bit her and "broke skin." She further testified that she only shouted at the puppy one time, when it bit her. Dakota denied getting another dog after the puppy was rehomed. She also denied Lopez's accusation that the Homolkas were selling marijuana.

Various documents were submitted to the circuit court during the injunction hearing, including emails that Lopez sent to the police after the injunction petitions were filed. In an email that Lopez sent to the police on September 14, 2023, she again accused the Homolkas of having a puppy in their apartment. The email further stated, "Even though I realize that you have closed this case I'm going to provide you with all of the information I have."

Lopez subsequently emailed the police on September 17, 2023, again asserting that a puppy was being abused and neglected inside the Homolkas' apartment. In that email, Lopez also accused the Homolkas of "dealing weed out of the[ir] apartment." In another email to the police, also dated September 17, 2023, Lopez accused Dakota of making a post on "Facebook Free Stuff" on September 4, 2023, "asking for a puppy pen."<sup>4</sup>

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<sup>4</sup> Dakota testified at the injunction hearing that she had been looking for an animal pen because she and Logan were interested in getting ferrets, but they ultimately did not do so.

Lopez sent additional emails to the police on September 17 and 18, 2023, continuing to accuse the Homolkas of having a puppy in their apartment. Dakota testified that an officer conducted a search of the Homolkas' apartment on September 19 or 20, 2023, and found no evidence of a dog.

Dakota testified that Lopez's repeated reports to the police were "interfering with [the Homolkas'] life." Dakota explained that she has "severe anxiety" and that Lopez's "constant slander" was causing her "an unnecessary amount of stress." She also reported that she no longer felt safe in her home because Lopez had instructed the Homolkas' next-door neighbor to take pictures of friends who visited the Homolkas' apartment, whom Lopez believed to be the Homolkas' "customers." Dakota also testified that Lopez's conduct had damaged her reputation, which was making it difficult for her to find work. Logan similarly testified that he no longer felt safe at home because of "the stuff [Lopez] has been spreading."

During her testimony, Lopez did not deny that the Homolkas had gotten rid of their puppy in June 2023. She asserted, however, that the Homolkas had subsequently obtained another dog, which she could hear from her apartment. Lopez conceded that she had no pictures or "visual evidence" showing that the Homolkas had obtained a second dog. Nevertheless, she claimed that the Homolkas were going to "far lengths to hide the dog" and were mistreating it by never taking it out of their apartment.

After considering the evidence presented, the circuit court concluded that Lopez's actions met the statutory definition of harassment. While the court found that Lopez's initial report to police regarding the Homolkas' dog in June 2023 was justified, it determined that the subsequent police contacts—absent any evidence of a dog—were not. The court specifically stated, "I find

the police to be credible here that they’ve investigated this and there is no such dog.” The court also found Dakota’s testimony “credible that [the Homolkas] have no dog.” The court agreed that it would be “vexing” for the Homolkas “to have the police constantly contact them ... to investigate this dog ... that nobody’s been able to prove exists.” In addition, the court credited the Homolkas’ testimony that Lopez’s conduct had “interfered with their lives.” The court therefore granted the Homolkas harassment injunctions against Lopez for a period of four years.<sup>5</sup>

A circuit court may order a harassment injunction if it “finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.” WIS. STAT. § 813.125(4)(a)3. As relevant here, harassment means “[e]ngaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.” Sec. 813.125(1)(am)4.b.

Whether reasonable grounds exist for the issuance of a harassment injunction presents a mixed question of fact and law. *Welytok v. Ziolkowski*, 2008 WI App 67, ¶23, 312 Wis. 2d 435, 752 N.W.2d 359. We will not set aside the circuit court’s factual findings unless they are clearly erroneous, but “[w]e independently review the circuit court’s conclusion, based on the established facts, whether such reasonable grounds exist.” *Id.* If reasonable grounds exist, “whether or not to finally grant an injunction is within the sound discretion of the circuit court, and our review ultimately is limited to whether that discretion was properly exercised.” *Id.* The scope of an injunction also lies within the circuit court’s discretion. *Id.*, ¶24.

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<sup>5</sup> During its oral ruling, the circuit court did not make any findings regarding Lopez’s allegation that the Homolkas were selling marijuana. The court’s determination that Lopez had harassed the Homolkas appears to have been based exclusively on Lopez’s repeated reports to police about the Homolkas mistreating a dog.

On appeal, Lopez argues that there was insufficient evidence to support the issuance of the harassment injunctions. More specifically, she contends that the Homolkas failed to present “substantial evidence,” consisting of “recordings, photos, police reports, [or] witnesses,” to support their claims of harassment.

We conclude that the evidence was sufficient for the circuit court to grant the Homolkas harassment injunctions against Lopez. The Homolkas presented evidence showing that after they returned their dog to its prior owner in June 2023, Lopez repeatedly contacted the police, alleging that they still had a dog inside their apartment and were mistreating the animal. Dakota specifically testified, however, that the Homolkas did not have a dog in their apartment after June 2023. The police reports corroborated Dakota’s testimony in that regard, showing that the police also determined that the Homolkas did not have a dog in their apartment. The court found Dakota’s testimony that the Homolkas did not have a dog after June 2023 to be credible, and it also credited law enforcement’s determination regarding the same. Lopez provides no basis for this court to upset those credibility determinations.<sup>6</sup> See *State v. Peppertree Resort Villas, Inc.*, 2002 WI App 207, ¶19, 257 Wis. 2d 421, 651 N.W.2d 345 (“When the circuit court acts as the finder of fact, it is the ultimate arbiter of the credibility of the witnesses and the weight to be given to each witness’s testimony.”).

Given the circuit court’s finding that the Homolkas did not have a dog in their apartment after June 2023, the court properly concluded that Lopez’s continued reports to the police about

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<sup>6</sup> At the injunction hearing, Lopez provided no evidence that the Homolkas actually had a dog in their apartment after June 2023, aside from her own testimony that she could hear a dog in the apartment. As noted above, Lopez conceded at the hearing that she had no pictures or “visual evidence” showing that the Homolkas had obtained a second dog.

the presence of a dog and the Homolkas’ alleged mistreatment of the animal met the applicable statutory definition of harassment because Lopez engaged in a course of conduct or repeatedly committed acts that harassed or intimidated the Homolkas. *See* WIS. STAT. § 813.125(1)(am)4.b. Notably, the Homolkas testified that Lopez’s conduct had interfered with their lives by causing them stress and making them feel unsafe in their home, and the court credited their testimony on that topic. While Lopez asserts that the Homolkas did not present “substantial evidence” in support of their claims, their testimony and the documents that they submitted *were* evidence, and the court properly relied on that evidence in concluding that there were reasonable grounds to believe Lopez had harassed the Homolkas. *See* § 813.125(4)(a)3.

Lopez also appears to assert that there was a legitimate purpose for her actions, *see* WIS. STAT. § 813.125(1)(am)4.b., because she “contact[ed] the appropriate authorities ... about her concerns over an animal being abused.” As noted above, the circuit court found that while Lopez’s initial report to the police regarding the Homolkas’ dog in June 2023 was justified, Lopez was not justified in continuing to repeatedly contact the police in September 2023 after the police determined that there was no dog in the Homolkas’ apartment. Given the court’s findings, which are not clearly erroneous, the court did not err by concluding that there was no legitimate purpose for Lopez’s continued reports to law enforcement.

Lopez also contends that the circuit court erred “by not considering the full evidence presented.” She then cites various pieces of evidence that she believes support a conclusion that she did not harass the Homolkas. It was up to the circuit court, however, to consider the evidence and determine what evidence it found to be credible. Based on the circuit court’s factual findings—again, none of which are clearly erroneous—the court properly concluded that Lopez had harassed the Homolkas. We reject Lopez’s invitation to reweigh the evidence on



appeal. See *Dickman v. Vollmer*, 2007 WI App 141, ¶14, 303 Wis. 2d 241, 736 N.W.2d 202 (stating that an appellate court does not “reweigh the evidence or reassess the witnesses’ credibility”).<sup>7</sup>

Finally, Lopez asserts that the circuit court erroneously exercised its discretion with respect to the scope of the injunctions. The injunctions require Lopez, among other things, to avoid the Homolkas’ residence. It is undisputed that Lopez moved out of the parties’ apartment building shortly after the injunction hearing. Nevertheless, Lopez asserts that the court erroneously exercised its discretion because the injunctions “prevent[] her from visiting her friends [who live in the apartment building] for 4 years.”

At the injunction hearing, the Homolkas specifically asked the circuit court to prohibit Lopez from entering their apartment building after she moved out. Dakota explained that Lopez “has several friends [in the building]” and that Lopez had told those individuals that the

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<sup>7</sup> Although not entirely clear, in support of her claim that the circuit court failed to consider “the full evidence presented,” Lopez may have intended to argue that the court erred by not viewing video footage that Lopez attempted to present during the injunction hearing. To the extent that Lopez intended to make this argument, we reject it.

During the injunction hearing, Lopez stated that she had video “of how loud” the Homolkas were “on the day that they were yelling at the first dog.” The circuit court invited Lopez to play the video, which was on a flash drive. However, the court’s clerk stated that the court was unable to play a video from a flash drive unless Lopez “[brought] in [her] own laptop to play it on” because the court was not “supposed to play anything provided by defendants or plaintiffs on [its] equipment.” At that point, Lopez could have sought a continuance to bring a laptop to court in order to play the video. She did not do so, nor did she object to the court’s failure to view the video or argue that the court needed to view the video in order to evaluate the Homolkas’ petitions. On this record, Lopez has forfeited any argument that the court erred by failing to view the video. See *Tatera v. FMC Corp.*, 2010 WI 90, ¶19 n.16, 328 Wis. 2d 320, 786 N.W.2d 810 (“Arguments raised for the first time on appeal are generally deemed forfeited.”).

Additionally, we note that the video apparently pertained to the Homolkas’ treatment of the dog that they had in June 2023. As noted above, the circuit court found that Lopez was justified in contacting the police regarding that dog, and the court did not rely on that conduct in issuing the harassment injunctions.

Homolkas were dealing drugs and had instructed them to “take pictures.” Dakota told the court that she would “not feel safe” if Lopez were “still able to be in[] the apartment” building because Dakota was worried that Lopez would continue to harass the Homolkas when she visited her friends. Dakota’s testimony in this regard provided a reasonable basis for the court to order Lopez to avoid the Homolkas’ apartment building. The court did not erroneously exercise its discretion with respect to the scope of the injunctions.

Therefore,

IT IS ORDERED that the orders are summarily affirmed. 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*