



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

May 16, 2025

To:

Hon. William V. Gruber  
Circuit Court Judge  
Electronic Notice

David J. Jackson  
5559 North Sable Drive  
Milton, WI 53563

Cindy Hamre Incha  
Clerk of Circuit Court  
Jefferson County Courthouse  
Electronic Notice

Charliette Elise Love  
3902 Milwaukee Street, No. W455  
P.O. Box 7188  
Madison, WI 53707

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

---

2023AP1984

David J. Jackson v. Charliette Elise Love (L.C. # 2023CV100)

Before Graham, Nashold, 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).**

David Jackson, pro se, appeals a circuit court order for dismissal. The respondent, Charliette Love, formerly known as Rebecca Shane, has not filed a respondent's brief. After reviewing 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.

---

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

In March 2023, Jackson filed a complaint in the Jefferson County Circuit Court against Love, with whom Jackson has a minor child. In the complaint, Jackson alleged that Love defamed him and committed fraud upon the Dane County Circuit Court during proceedings in that venue concerning a child abuse injunction case initiated by Love in 2016. Love failed to file a response to the Jefferson County complaint within 45 days. *See* WIS. STAT. § 802.06(1)(a). Jackson then filed a motion for default judgment. At a hearing on August 22, 2023, the circuit court extended the deadline to file an answer. Love filed her answer on September 15, 2023. The circuit court heard arguments from both parties at a hearing held on September 26 and 27, 2023. The court ultimately dismissed both of Jackson’s causes of action for failure to state a claim upon which relief could be granted. Jackson appeals the court’s dismissal order.

Jackson contends, among other arguments, that the circuit court erred when it dismissed his complaint *sua sponte* for failure to state a claim upon which relief could be granted. “A motion to dismiss for failure to state a claim tests the legal sufficiency of the complaint.” *Data Key Partners v. Permira Advisers LLC*, 2014 WI 86, ¶19, 356 Wis. 2d 665, 849 N.W.2d 693 (citations omitted). Whether a complaint states a cognizable claim upon which relief can be granted presents a question of law subject to *de novo* appellate review. *DeBruin v. St. Patrick Congregation*, 2012 WI 94, ¶10, 343 Wis. 2d 83, 816 N.W.2d 878.

As noted, Jackson asserts in his complaint claims for libel and fraud against Love. The statute of limitations for libel is three years. WIS. STAT. § 893.57. The statute of limitations for fraud is also three years. WIS. STAT. § 893.93(1m)(b). According to the complaint, the alleged libel and fraud occurred in 2016 during proceedings in Dane County Circuit Court Case No. 2016CV2834. Jackson filed his complaint alleging libel and fraud in March 2023, which is well beyond the three-year statutes of limitations for those claims. Therefore, the circuit court

did not err in concluding that Jackson had failed to state a claim upon which relief could be granted. Jackson’s claims against Love for libel and fraud are time-barred by the applicable statutes of limitations in §§ 893.57 and 893.93(1m)(b).

We next address Jackson’s argument that his complaint against Love constitutes an independent equitable action brought pursuant to WIS. STAT. § 806.07(2), and that the judgment entered in Dane County Circuit Court Case No. 2016CV2834 should be set aside because it was procured as the result of Love’s alleged fraud on the court.<sup>2</sup> In *Walker v. Tobin*, this court held that § 806.07(2) allows a party to commence an independent equitable action, and that the only time limit for doing so is the equitable doctrine of laches. *Walker v. Tobin*, 209 Wis. 2d 72, 80-81, 568 N.W.2d 303 (Ct. App. 1997). Whether to grant equitable relief against a judgment is left to the “sound legal discretion” of the circuit court, and we review the court’s decision for a misuse of that discretion. *Id.* at 76, 78. “[A]ttacking a judgment is not regarded with favor by the courts and will lie only in exceptional cases.” *Id.* at 78. Jackson has failed to demonstrate that this is one of those exceptional cases. The record reflects that the court denied Jackson’s request to set aside the Dane County judgment, stating that Jackson failed to allege fraud with

---

<sup>2</sup> As we explain in further detail below, it appears that Jackson may have abandoned this argument at the circuit court level. Nonetheless, we elect to address the argument.

Jackson’s request to set aside the judgment entered in Dane County Circuit Court Case No. 2016CV2834, based on Love’s alleged fraud on the court, is contained in paragraph (E) of the “Request for Relief” in Jackson’s complaint filed in Jefferson County in this case. The Jefferson County Circuit Court docket entries for a hearing held in this case on July 14, 2023, state: “Mr. Jackson withdraws request to vacate the judgment in Dane County Case 2016CV2834 (Paragraph E).” Jackson has not made the transcript of the July 14, 2023 hearing a part of the record, despite his obligation as the appellant to ensure that the record is sufficient to address the issues raised on appeal. See *State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986).

enough specificity for the court to grant the requested relief. On appeal, Jackson fails to meet the high burden of demonstrating that the court misused its discretion in making that determination.

For all of the reasons stated above, we conclude that the circuit court did not err when it dismissed Jackson's complaint. Because our conclusion is dispositive, we do not address Jackson's alternative arguments. *Barrows v. American Family Ins. Co.*, 2014 WI App 11, ¶9, 352 Wis. 2d 436, 842 N.W.2d 508 ("An appellate court need not address every issue raised by the parties when one issue is dispositive.").

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.83(2).

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

---

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