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DISTRICT I

December 5, 2023

To:

Hon. Jonathan Richards
Circuit Court Judge
Electronic Notice

Joseph A. Abruzzo
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Aman D. Singh
5685 W. Upham Avenue
Greenfield, WI 53220

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

2023AP716

Village of Hales Corners v. Aman D. Singh (L.C. # 2022FO828)

Before Donald, P.J.¹

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).

Aman D. Singh, *pro se*, appeals from an order of the circuit court affirming the municipal court's order denying Singh's motion to reopen a default judgment on a municipal citation. On appeal, Singh argues that his motion to reopen was erroneously denied because the default judgment is void for the following reasons: (1) the State of Wisconsin was named as the plaintiff on his citation; (2) the municipal court lacked subject matter jurisdiction; and (3) the municipal court lacked personal jurisdiction. Singh further argues that his motion for sanctions against the

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Village of Hales Corners was erroneously denied. Based upon our review of the briefs and record, this court concludes that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22). For the reasons set forth below, this court affirms.

BACKGROUND

On January 12, 2018, Singh received a citation for being in Whitnall Park after hours.² The citation listed the State of Wisconsin as the plaintiff, and it provided that Singh was ordered to appear on February 7, 2018, at 5:30 p.m. at Hales Corners Municipal Court located at 5635 S. New Berlin Road, Hales Corners, Wisconsin 53130. It further stated that the citation was served on Singh “in person.” The citation listed the “ordinance violated” as “16.01,” and the ordinance description stated “all park regulations adopted.”

Singh failed to make his appearance on February 7, 2018, and the Village of Hales Corners Municipal Court entered a default judgment against Singh.³

Four years later, on May 16, 2022, Singh filed a motion to reopen the default judgment with the municipal court, in which Singh argued that the default judgment is void. The municipal court denied Singh’s motion, and Singh appealed to the Milwaukee County Circuit Court. At a hearing held on April 7, 2023, the circuit court found that the municipal court properly denied Singh’s motion to reopen. Singh again appeals.

² Whitnall Park is a Milwaukee County park located within the Village.

³ As the Village further asserted at the hearing in municipal court, Singh was mailed a notice of the default judgment the same month the judgment was entered, and Singh was also mailed several notices in the months following the entry of the default judgment related to the fine that was imposed.

DISCUSSION

I. Singh's Motion to Reopen the Default Judgment

Pursuant to WIS. STAT. § 800.115(2), any party may move, at any time, to reopen a municipal court judgment on the grounds set forth in WIS. STAT. § 806.07(1)(c), (d), (g), or (h). In this case, Singh moved to reopen the default judgment under § 806.07(1)(d) on the grounds that the default judgment is void.⁴ This court reviews the order denying Singh's motion to reopen applying the same standards as the circuit court, and we review the transcript of the municipal court proceedings to determine whether the evidence supports the municipal court's decision. *See Village of Williams Bay v. Metzl*, 124 Wis. 2d 356, 361-62, 369 N.W.2d 186 (Ct. App. 1985) (interpreting an appeal under WIS. STAT. § 800.14(5) as limiting review to "an examination of the transcript to determine whether the evidence supports the municipal court decision").

Singh contends that the default judgment entered on February 7, 2018, is void for three reasons: (1) the State of Wisconsin instead of the Village was named as the plaintiff on the citation; (2) the municipal court lacked subject matter jurisdiction because the citation failed to allege a violation of a municipal ordinance; and (3) the municipal court lacked personal jurisdiction because of defective service of the citation. This court disagrees and concludes that the judgment is not void for any of the reasons advanced by Singh.

⁴ "No appeals may be taken from default judgments." WIS. STAT. § 800.14(1). Thus, this court's review is limited to the denial of Singh's motion to reopen.

First, the default judgment is not void as a result of the State of Wisconsin being listed as the plaintiff on the citation instead of the Village. As the Village correctly identifies, the State being named as the plaintiff on the citation is a mere technical defect in the citation that did not deprive the municipal court of jurisdiction. *See American Family Mut. Ins. Co. v. Royal Ins. Co. of Am.*, 167 Wis. 2d 524, 533-34, 481 N.W.2d 629 (1992). Singh is further unable to demonstrate prejudice by having the State named as the plaintiff on the citation because he was provided with the date, time, and location to appear to contest the citation, but he did not do so. *See id.* at 533 (stating that prejudice must be shown for a technical defect).

Singh cites several cases to support his contention that the municipal court lacked jurisdiction because it does not possess jurisdiction over an unnamed party. *See Bulik v. Arrow Realty, Inc.*, 148 Wis. 2d 441, 434 N.W.2d 853 (Ct. App. 1988); *Johnson v. Cintas Corp. No. 2*, 2011 WI App 5, 331 Wis. 2d 51, 794 N.W.2d 475; *Hoops Enters., III, LLC v. Super W. Inc.*, 2013 WI App 7, 345 Wis. 2d 733, 827 N.W.2d 120. However, Singh overlooks a fundamental difference in the cases he has cited—in each case Singh cites, the court addressed whether jurisdiction was established over an unnamed defendant. *See Bulik*, 148 Wis. 2d at 443; *Johnson*, 331 Wis. 2d 51, ¶1; *Hoops Enters.*, 345 Wis. 2d 733, ¶2. By contrast, in this case, Singh has alleged a lack of jurisdiction over the plaintiff named on his citation. Given the crucial difference between a plaintiff and a defendant, this court rejects Singh’s argument.

Turning to Singh’s second argument, this court concludes that the default judgment is not void due to a lack of subject matter jurisdiction as a result of a failure to list a violation of a municipal ordinance on the citation. In making his argument, Singh emphasizes that Whitnall Park is a Milwaukee County park, and he asserts that the Village has no authority over Whitnall Park as a result. However, Singh fails to recognize that Whitnall Park is squarely situated within

Village boundaries and the citation alleges a violation of a Village ordinance. “[T]he constitution confers jurisdiction on municipal courts to adjudicate alleged ordinance violations.” *City of Cedarburg v. Hansen*, 2020 WI 11, ¶26, 390 Wis. 2d 109, 938 N.W.2d 463; *see also* WIS. CONST. art. VII, § 14; WIS. STAT. § 755.045 (providing that a municipality has “exclusive jurisdiction” over violations of municipal ordinances). The matter is, therefore, within the Village’s authority to pursue.⁵

Finally, in response to Singh’s third argument, this court concludes that the default judgment was not void due to a lack of personal jurisdiction. Here, Singh argues that the municipal court lacked personal jurisdiction over him because the citation was not actually provided to Singh “in person” as stated on the citation. However, it is Singh’s burden to present evidence to the contrary and Singh failed to do so, either by calling the officer who issued the citation to testify or otherwise. *See Richards v. First Union Sec., Inc.*, 290 Wis. 2d 620, 623, 634, 714 N.W.2d 913 (2006) (“[T]he burden of proof is on the party seeking, pursuant to WIS. STAT. § 806.07, to set aside or vacate a default judgment, where the question of proper service is involved.”). Thus, this court concludes that the default judgment is not void due to a lack of personal jurisdiction over Singh related to any defect in the service of the citation.

⁵ Singh further attacks the subject matter jurisdiction of the municipal court arguing that “16.01” is not a valid municipal ordinance and a county ordinance states that county parks close at midnight. However, this court’s review is limited to Singh’s motion to reopen, and any defense to the citation is outside the scope of our review. *Cf. Neylan v. Vorwald*, 124 Wis. 2d 85, 99, 368 N.W.2d 648 (1985). Moreover, it would appear that 16.01, which currently exists as HALES CORNERS, WIS., CODE § 312-1 (2022), was a valid ordinance at the time Singh’s citation was issued.

Ultimately, this court rejects Singh’s arguments that the default judgment is void, and this court ultimately concludes that evidence supports the municipal court’s decision to deny Singh’s motion to reopen the default judgment. *See Metzl*, 124 Wis. 2d at 361-62.

II. Singh’s Motion for Sanctions

Singh further argues that his motion for sanctions was erroneously denied. In response, the Village asserts that it has been successful in its position and a party that has been successful could not have acted in a frivolous manner. Therefore, the Village argues Singh’s motion for sanctions was properly denied. This court agrees with the Village.

An argument is frivolous if an attorney knows or reasonably should have known that the argument was “without any reasonable basis in law or equity.” *Howell v. Denomie*, 2005 WI 81, ¶8, 282 Wis. 2d 130, 698 N.W.2d 621 (citation omitted). Given the success of the Village’s arguments, this court cannot conclude that the Village’s arguments are frivolous, and therefore, Singh’s motion for sanctions was not erroneously denied.

Upon the foregoing, 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