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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

DISTRICT I

January 20, 2021

To:

Hon. Paul R. Van Grunsven
901 N. 9th St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
901 N. 9th Street, Room G-8
Milwaukee, WI 53233

Charles Rose
Brazil & Benske, LLC
3821 S. Howell Ave.
Milwaukee, WI 53207

Elon Stackhouse
2837 W. State Street
Milwaukee, WI 53208

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

2019AP262

Petitioner v. Elon Stackhouse (L.C. # 2018FA3025)

Before Brash, P.J., Dugan and Donald, 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).

Elon Stackhouse, *pro se*, appeals the circuit court's order upholding a domestic abuse injunction against him. After review of the appellant's brief and record, we conclude at conference that summary disposition is appropriate. *See* WIS. STAT. RULE 809.21 (2017-18).¹ Upon review, we reverse.

On May 22, 2018, the petitioner obtained a temporary restraining order against Stackhouse. On June 4, 2018, a court commissioner issued a domestic abuse injunction against

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Stackhouse. On July 26, 2018, the circuit court held a *de novo* evidentiary hearing, after which it upheld the court commissioner's decision and continued the domestic abuse injunction until June 4, 2022. The circuit court entered a written order to that effect on December 12, 2018. Stackhouse filed this appeal. The petitioner, who is represented by Attorney Charles Rose, did not file a respondent's brief despite orders from this court directing her to do so on July 9, 2019, August 2, 2019, and September 9, 2019.

If a respondent fails to brief an appeal, we may exercise our discretion and summarily reverse the circuit court provided we determine that the respondent has abandoned the appeal or has acted egregiously or in bad faith. *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, 260, 500 N.W.2d 339 (Ct. App. 1993) (summary reversal is an appropriate sanction for a respondent's violation of briefing requirements). The petitioner abandoned this appeal by failing to file a respondent's brief. *See Raz*, 260 Wis. 2d 614, ¶36. Therefore, we summarily reverse the circuit court's order. *See WIS. STAT. RULE 809.83(2)*.

IT IS ORDERED that the order of the circuit court is summarily reversed. *See WIS. STAT. RULE 809.21*.

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

Sheila T. Reiff
Clerk of Court of Appeals