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FILED
04-22-2025
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April 22, 2025

VIA E-FILING

Hon. Todd J. Hepler
Columbia County Courthouse
400 DeWitt Street
P.O. Box 587
Portage, WI 53901-0587

RE: *Cambria PV I, LLC vs. Jeffrey M. Hahn, et al.*
Columbia County Case Nos. 24cv207 and 208 (Consolidated)

Dear Judge Hepler:

On behalf of Cambria PV I, LLC, I write in response to the March 19, 2025 letter to the Court from the Hahn Defendants, requesting that the Court conduct a hearing on Cambria's motion for default judgment against unrelated co-defendants, the Dohertys. (Case No. 24-cv-207, Dkt. 54). The Hahn Defendants' request is improper for two reasons. First, the Dohertys have admitted to liability and failed to contest Cambria's claimed damages. The Court need not therefore hold a hearing prior to entering default judgment against the Dohertys. Second, even if the Court held a hearing on damages, the Hahn Defendants would not have standing to offer argument or evidence.

The case law cited by the Hahn Defendants establishes that the Court need not hold a hearing prior to entering judgment against the Dohertys. In support of their request for a hearing on damages, the Hahn Defendants cite to *Smith v. Golde*, but that appellate decision recognized that "the trial court need not hold a hearing if the amount of damages are alleged in the complaint and the defendant fails to contest the amount." *Smith v. Golde*, 224 Wis. 2d 518, 530, 592 N.W.2d 287 (Ct. App. 1999). Cambria's complaint in the breach of contract action specifically demanded \$4,170,000 in damages from the Dohertys. Case No. 24-cv-208, Dkt. 8 at ¶ 106. The Dohertys were served with the summons and complaint on August 23, 2024. Case No. 24-cv-208, Dkts. 36-37, 39-40. In a September 9, 2024 letter to the Court, the Dohertys acknowledged the August 23 service of the complaint and confirmed their attendance at the Court's September 5, 2024 status conference. Case No. 24-cv-208, Dkt. 42. The Dohertys have known about Cambria's claimed damages for almost seven months and have not objected to those damages or otherwise responded to Cambria's claims in any way. While the Dohertys have recently hired counsel, the time for contesting the damages owed to Cambria has long since passed. Thus, as even the case law cited by the Hahn Defendants confirms, no hearing is required before entering default judgment against the Dohertys.

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Even if the Court were to hold a hearing on damages owed by the Dohertys, the Hahn Defendants should not participate. The Hahn Defendants are again betrayed by one of the cases cited in their letter to the Court. In *Estate of Otto v. Physicians Insurance of Wisconsin*, the Wisconsin Supreme Court held that denials in a co-defendant's answer had no bearing on the imposition of default judgment against a defendant that had failed to respond to the complaint. *Est. of Otto v. Physicians Ins. Co. of Wis.*, 2008 WI 78, ¶ 121, 311 Wis. 2d 84, 751 N.W.2d 805. Thus, the fact that the Hahn Defendants objected to Cambria's claimed damages is irrelevant to the question of damages owed by the Dohertys.

More fundamentally, the Hahn Defendants do not have standing to offer argument or evidence opposing the imposition of damages against the Dohertys. When determining whether a party has standing, Wisconsin courts consider: "(1) whether the party whose standing is challenged has a personal interest in the controversy (sometimes referred to in the case law as a 'personal stake' in the controversy); (2) whether the interest of the party whose standing is challenged will be injured, that is, adversely affected; and (3) whether judicial policy calls for protecting the interest of the party whose standing is challenged." *Foley-Ciccantelli v. Bishop's Grove Condo. Ass'n, Inc.*, 2011 WI 36, ¶ 40, 333 Wis. 2d 402, 797 N.W.2d 789. Cambria's damages against the Dohertys stem from contracts that the Hahn Defendants are not party to. The claims relevant to the motion for default judgment were leveled against the Dohertys—not the Hahn Defendants, and the damages relevant to the motion for default judgment will be imposed on the Dohertys—not the Hahn Defendants. Therefore, the Hahn Defendants do not have standing to participate in a hearing focused solely on damages owed by the Dohertys.

For these reasons, the Court should deny the Hahn Defendants any of the relief requested in their letter and enter default judgment against the Dohertys, without a hearing, as requested in Cambria's motion being filed simultaneously herewith.

Sincerely,

GODFREY & KAHN, S.C.

Electronically signed by Maxted Lenz

Maxted Lenz

MML:jgl

cc: Atty. Taylor Anderson (via e-filing)
Atty. Claudia Drace (via e-filing)
Atty. Sean Griffin (via e-filing)
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