

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Erica Merritt DeGlopper v. Samuel Pennington, Paul Milbrath,
Matthew Kanters, and Cindy Hamre Incha

DeGlopper · No. 24-cv-332-jdp · Decided December 3, 2025

SUMMARY

The court granted defendants’ motion for summary judgment in an action arising from the execution of a Wisconsin writ of assistance to recover property associated with the Art Shay Archive. The court held that the clerk was not deliberately or recklessly responsible for the plaintiff’s lack of notice, that sheriff’s deputies were entitled to quasi-judicial immunity for ministerial actions taken pursuant to the writ, and that the former sheriff lacked personal involvement. The case was ordered closed.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 3, 2025
DOCKET	24-cv-332-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought damages claims under the Fourteenth Amendment and Fourth Amendment against county officials and deputies under 42 U.S.C. § 1983. Defendants moved for summary judgment. The court granted the motion and directed the clerk to enter judgment and close the case.
STANDARD OF REVIEW	Summary judgment is proper when the undisputed facts show that the movant is entitled to judgment as a matter of law. On summary judgment, properly supported facts that are not properly controverted may be taken as undisputed. Constitutional liability under § 1983 also requires personal involvement in the alleged deprivation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Erica Merritt DeGlopper v. Samuel Pennington, Paul Milbrath, Matthew Kanters, Cindy Hamre Incha

TOPICS

summary judgment

procedural due process

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

remedies

QUESTIONS PRESENTED

1. Whether the clerk of court violated DeGlopper's Fourteenth Amendment procedural due process rights by failing to provide notice of the writ of assistance and its execution.
2. Whether deputies who carried out ministerial acts under a facially valid court-issued writ of assistance were entitled to quasi-judicial immunity from DeGlopper's Fourth Amendment illegal-seizure claim.
3. Whether the former sheriff could be liable under § 1983 based on supervisory authority or the appearance of his typed name on the certification of service when he was not personally involved in executing the writ.

HOLDINGS

1. Summary judgment was proper because the undisputed evidence could not support a finding that Hamre Incha intentionally or recklessly deprived DeGlopper of notice, and there was no evidence that she was personally involved in mailing or failing to mail the writ or certification of service.
2. Pennington and Kanters were entitled to quasi-judicial immunity because their participation in executing the writ consisted of ministerial or administrative acts performed at the direction of a judge under an official court order.
3. Summary judgment was proper for Milbrath because he was not personally involved in executing the writ, and supervisory authority alone could not establish § 1983 liability.

KEY QUOTATIONS

“The cornerstone of due process is notice and the opportunity to be heard at a meaningful time and in a meaningful manner.” (Analysis § A)

“Non-judicial officials whose official duties have an integral relationship with the judicial process are entitled to absolute immunity for their quasi-judicial conduct.” (Analysis § B)

“Milbrath would “only liable for his or her own misconduct,” id., and there’s no evidence that Milbrath played any role in Pennington’s and Kanters’s efforts to gain access to the storage unit.” (Analysis § B)

FACTUAL BACKGROUND

An Illinois circuit court entered a default judgment awarding Richard Shay and Art Shay Archive immediate possession of archive property, including property in a Wisconsin storage unit. A Wisconsin court appointed a receiver and a Jefferson County judge issued a writ of assistance directing the sheriff to help the receiver obtain possession. The clerk mailed notices to an incorrect address supplied by the receiver, but the record did not show

that the clerk knew the address was wrong or acted recklessly. Deputies Pennington and Kanter assisted with execution of the writ but did not remove property, while Milbrath was not personally involved.

PROCEDURAL HISTORY

The claims arose from enforcement of an Illinois default judgment and related Wisconsin receivership orders concerning property in DeGlopper's storage unit. DeGlopper alleged that the Jefferson County clerk failed to provide adequate notice and that sheriff's personnel unlawfully seized her property while executing a writ of assistance. After discovery, defendants moved for summary judgment; the court treated defendants' properly supported proposed facts as undisputed because DeGlopper's factual responses did not comply with the court's procedures, then granted summary judgment on all claims.

DISPOSITION

other

CASES CITED

- Allen-Noll v. Madison Area Tech. Coll., 969 F.3d 343, 349 (7th Cir. 2020)
- Hedrich v. Bd. of Regents of Univ. of Wisconsin Sys., 274 F.3d 1174, 1177-78 (7th Cir. 2001)
- Brown v. City of Mich. City, Ind., 462 F.3d 720, 728 (7th Cir. 2006)
- Knutson v. Vill. of Lakemoor, 932 F.3d 572, 576 (7th Cir. 2019)
- Gates v. City of Chicago, 623 F.3d 389, 401 (7th Cir. 2010)
- Moran v. Calumet City, 54 F.4th 483, 493 (7th Cir. 2022)
- Allen v. Cooper, 589 U.S. 248, 261 (2020)
- Colbert v. City of Chicago, 851 F.3d 649, 657 (7th Cir. 2017)
- Flowers v. Kia Motors Fin., 105 F.4th 939, 946 (7th Cir. 2024)
- Brigham City, Utah v. Stuart, 547 U.S. 398, 403 (2006)
- Partin v. Davis, 675 F. App'x 575, 583 (6th Cir. 2017)
- Henry v. Farmer City State Bank, 808 F.2d 1228, 1238-39 (7th Cir. 1986)
- Kincaid v. Vail, 969 F.2d 594, 601 (7th Cir. 1992)
- Richman v. Sheahan, 270 F.3d 430, 436 (7th Cir. 2001)
- Henderson v. Bryant, 606 F. App'x 301, 304 (7th Cir. 2015)
- Soldal v. Cook Cnty., Ill., 506 U.S. 56, 58-61, 72 (1992)
- Zoretic v. Darge, 832 F.3d 639, 644 (7th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009)