COURT OF APPEALS
DECISION
DATED AND FILED

October 5, 2017

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2017AP201 **Cir. Ct. No. 2016SC6096**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

JAMES EDWARD GRANT,

PLAINTIFF-APPELLANT,

V.

DEBRA BARTH,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County: FRANK D. REMINGTON, Judge. *Affirmed.*

¶1 LUNDSTEN, P.J.[1] James Edward Grant, pro se in this small claims action, appeals the circuit court's order denying Grant's demand for a trial to the court and effectively dismissing the action. For the following reasons, I affirm.

¶2 When Grant's small claims action initially came before the court commissioner, the commissioner dismissed the action after holding a hearing. The circuit court's order states that the court denied Grant's subsequent trial demand as untimely under WIS. STAT. § 799.207. If the circuit court properly denied Grant's trial demand as untimely, then the court commissioner's dismissal stands as the court's judgment. *See* § 799.207(2)(b).

¶3 In his briefing, Grant makes a number of assertions, but Grant fails to develop an argument demonstrating why the circuit court may have erred in determining that Grant's trial demand was untimely. This failure is fatal to Grant's appeal. In order to have me address the assertions he does make, Grant would have first needed to show that the circuit court was wrong to conclude that the trial demand was untimely.

¶4 It is true, as Grant notes, that courts may make allowances for pro se litigants. But neither a circuit court nor a reviewing court has the duty or resources to "walk [such] litigants through the procedural requirements or ... point them to the proper substantive law." *See* ***Waushara Cty. v. Graf***, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992); *see also* ***State ex rel. Harris v. Smith***, 220 Wis. 2d 158, 164-65, 582 N.W.2d 131 (Ct. App. 1998) (the court's obligation to a pro se litigant does not include making an argument for the litigant); ***State v.***

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a). All references to the Wisconsin Statutes are to the 2015-16 version.

Pettit, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (explaining what constitutes a developed argument and that the court of appeals need not consider undeveloped arguments).

¶5 My decision could end here. I choose to note, however, that, even if Grant had surmounted the timeliness issue, I still would have affirmed. None of Grant's assertions are supported by developed argument. *See* ***Pettit***, 171 Wis. 2d at 646-47. "A party must do more than simply toss a bunch of concepts into the air with the hope that either the ... court or the opposing party will arrange them into viable and fact-supported legal theories." ***State v. Jackson***, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999).

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.