COURT OF APPEALS
DECISION
DATED AND FILED

July 8, 2003

Cornelia G. Clark
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. 02-3425 **Cir. Ct. No. 01 CV 11048**

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

CARL EICHORN,

PLAINTIFF-APPELLANT,

V.

COAKLEY BROTHERS COMPANY AND GENERAL CASUALTY COMPANY OF WISCONSIN,

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Milwaukee County: MEL FLANAGAN, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Schudson, JJ.

¶1 PER CURIAM. Carl Eichorn, *pro se*, appeals from the circuit court's grant of summary judgment to Coakley Brothers Company and its insurer, General Casualty Company of Wisconsin. In a two-page "brief," Eichorn writes:

"The only argument I have with this case is my pretrial report was of no issue. Enclosed [is] my pretrial report." He contends that he "was struck by an auto (van) in the head," and there "was no way during the motion for summary judge ment [sic] that they (the judge or attorney) could prove different." We affirm.

¶2 Eichorn filed the underlying action against Coakley alleging that he was injured when the mirror on a Coakley van hit him on the right side of the head, just behind his ear, as he was exiting the vehicle he was driving. At his deposition, Eichorn testified that, after being hit, he saw a white van with no markings, numbers or lettering on the back or right side and no windows on the side. He also testified that a short African American or Indian woman, age twenty to thirty, with frizzy, dark, shoulder-length hair, exited the van and asked him if he was hurt; he told her he was not and proceeded with his deliveries. Eichorn did not write down the van's license plate number, he did not report the incident to his employer, and he did not miss any work because of the incident.

¶3 According to Eichorn's testimony, about a month and a half after the incident, he started looking for the white van to get the license plate number for his attorney. He eventually identified a white van with the number "109" on its front and sides parked beside the same building where the incident had occurred. Although the van driver was a white male, and although Eichorn had not noticed the number "109" on the van at the time of the incident, he assumed that it was the van that hit him. He wrote down the license number and gave it to his attorney.

¶4 Coakley moved for summary judgment. In support of its motion, James Radke, an employee, declared in an affidavit: (1) "[a]fter reviewing the records of all delivery drivers employed by Coakley … for the past five years, I have determined that … Coakley … has never employed a female delivery

driver"; (2) "the person driving Vehicle number 109, making deliveries for Coakley … on the date of the incident was [a white male]"; and (3) "vehicle 109 is a white van, and has windows in both the front and rear and two windows in the cargo area on the [right] side of the van."

¶5 In his response, Eichorn failed to counter Coakley's summary judgment submissions establishing that the unidentified van that allegedly struck him could not have been owned or operated by Coakley. Thus, the circuit court granted Coakley's motion and entered an order dismissing Eichorn's complaint and awarding costs to Coakley.

¶6 Eichorn's two-page "brief" fails to meet the minimum standards of appellate practice. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992); *see also* WIS. STAT. RULE 809.19(1)(e) (2001-02). Notably absent are facts, record references and legal authority to support his claim. *See* ***Nelson v. Schreiner***, 161 Wis. 2d 798, 804, 469 N.W.2d 214 (Ct. App. 1991) ("Section 809.19(1)(d), Stats., calls for appropriate references to the record, and this court need not sift the record for facts to support [appellant's] contentions."); *see also* ***Pettit***, 171 Wis. 2d at 646 ("Arguments unsupported by references to legal authority will not be considered."). While this court provides some flexibility for *pro se* litigants, it does not walk them through all the procedural requirements or point them to the proper substantive law. *See* ***Waushara County v. Graf***, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). A *pro se* litigant's brief must, at a mimimum, "state the issues, provide the facts necessary to understand them, and present an argument on the issues." ***Id.***

¶7 Eichorn's "brief" does not comply with the minimum standards. His "only argument"—that his "pretrial report was of no issue" and that there was "no

way … the judge or attorney … could prove different"—are vague and undeveloped. *See* ***Barakat v. DHSS***, 191 Wis. 2d 769, 786, 530 N.W.2d 392 (Ct. App. 1995) (appellate court need not consider "amorphous and insufficiently developed" arguments); *see also* ***State v. S.H.***, 159 Wis. 2d 730, 738, 465 N.W.2d 238 (Ct. App. 1990) (appellate court need not review issues inadequately briefed). Moreover, Eichorn offers no reply to Coakley's argument that he "cannot prove by the preponderance of the evidence that the white van that hit him was owned by Coakley." ***Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.***, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (unrefuted arguments deemed admitted). We therefore conclude the circuit court's grant of summary judgment was proper.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.