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DISTRICT II

December 27, 2023

To:

Hon. Bruce E. Schroeder
Circuit Court Judge
Electronic Notice

Todd A. Terry
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Terri M. Deprinzio
1868 - 22th Ave., Apt #1113
Kenosha, WI 53140

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

2023AP1039

Terri M. Deprinzio v. R & R Automotive LLC
(L.C. #2022CV665)

Before Gundrum, P.J., Neubauer and Lazar, 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).

Terri M. Deprinzio, pro se, appeals from an order of the circuit court, asserting the court erroneously exercised its discretion in denying her petition for waiver of transcript fees. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We affirm.

This case arises out of a repair completed by R & R Automotive LLC to a vehicle owned by Deprinzio. The circuit court held a court trial and at the conclusion of the trial, dismissed

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Deprinzio's claims. Deprinzio filed with the circuit court a notice of appeal and a petition for waiver of transcript fees. The court denied the petition, checking the boxes on the form order next to "Denied because the court finds requestor has not stated a meritorious claim, defense, or appeal upon which the court may grant relief" and "Other," including a notation that "[r]equest is for a photocopy of the transcript which deprives reporter of her lawful compensation."

Under WIS. STAT. § 814.29, a litigant is entitled to free transcripts on appeal of a civil case when the litigant establishes both indigency and that his or her underlying appeal states "a claim upon which relief can be granted." *State ex rel. Girouard v. Circuit Ct. for Jackson Cnty.*, 155 Wis. 2d 148, 159, 454 N.W.2d 792 (1990); *State ex rel. Luedtke v. Bertrand*, 220 Wis. 2d 574, 578, 583 N.W.2d 858 (Ct. App. 1998), *aff'd by an equally divided court*, 226 Wis. 2d 271, 594 N.W.2d 370 (1999), *superseded by statute on other grounds*. Whether an appeal states a claim upon which relief may be granted is a question of law we review de novo. *Data Key Partners v. Permira Advisers LLC*, 2014 WI 86, ¶17, 356 Wis. 2d 665, 849 N.W.2d 693.

It is undisputed Deprinzio is indigent. The issue is whether her underlying appeal states a claim upon which relief can be granted and she, therefore, is entitled to a transcript of the April 24, 2023 court trial without having to pay the transcript fees. The circuit court concluded she was not so entitled.

Deprinzio asserts that it is the practice of Kenosha County courts to deny indigent litigants “access to transcripts” and that the courts do so without “issu[ing] a written order.”² Here, the court did issue a written order. Additionally, Deprinzio’s assertion as to the practice of Kenosha County courts is conclusory and without any citation to the record. Therefore, we address it no further. *See Associates Fin. Servs. Co. of Wis., Inc. v. Brown*, 2002 WI App 300, ¶4 n.3, 258 Wis. 2d 915, 656 N.W.2d 56 (declining to address conclusory and undeveloped arguments); *Roy v. St. Lukes Med. Ctr.*, 2007 WI App 218, ¶10 n.1, 305 Wis. 2d 658, 741 N.W.2d 256 (“We have no duty to scour the record to review arguments unaccompanied by adequate record citation.”).

Deprinzio’s brief-in-chief and reply brief fail to provide facts or argument showing that her underlying appeal states a claim upon which relief can be granted. *See State ex rel. Luedtke*, 220 Wis. 2d at 578. On appeal, it is Deprinzio’s burden to demonstrate that the circuit court erred in denying her petition for waiver of transcript fees. *See Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Deprinzio fails to develop any arguments to demonstrate how the circuit court erred, and “[w]e will not address undeveloped arguments.” *See Clean Wis., Inc. v. PSC*, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768. An appellate judge cannot properly serve as both advocate and judge, *see State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d at 633 (Ct. App. 1992), and thus, it is inappropriate for us to “abandon our neutrality to develop arguments” for Deprinzio, *see Industrial Risk Insurers v. American Eng’g*

² Deprinzio also asserts that the circuit court violated the “constitutional ... guarantee to ensure access to the court for a legal remedy” and her constitutional rights of due process and equal protection by “declin[ing] to conduct a hearing to determine [her] indigent status.” However, Deprinzio’s indigent status is not at issue here. In addition, any constitutional argument she has is wholly undeveloped and will not be addressed. *See ABKA Ltd. P’ship v. Board of Rev.*, 231 Wis. 2d 328, 349 n.9, 603 N.W.2d 217 (1999) (“This court will not address undeveloped arguments.”).

Testing, Inc., 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82. See also *Doe 1 v. Madison Metro. Sch. Dist.*, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (“[Appellate courts] do not step out of our neutral role to develop or construct arguments for parties; it is up to them to make their case.” (citation omitted)). Having failed to develop any legal arguments to demonstrate how the circuit court may have erred in denying her petition for waiver of transcript fees, Deprinzio has failed to meet her burden as the appellant; thus, we affirm.

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

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

Samuel A. Christensen
Clerk of Court of Appeals