

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 22, 2011

A. John Voelker
Acting 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. 2010AP2537

Cir. Ct. No. 2009SC1582

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

GENE P. GANTA,

PLAINTIFF-APPELLANT,

V.

FRANK GRIBBLE,

DEFENDANT-RESPONDENT.

APPEAL from a judgment of the circuit court for Dodge County:
STEVEN G. BAUER, Judge. *Affirmed.*

¶1 LUNDSTEN, P.J.¹ Gene Ganta appeals a judgment of the circuit court in favor of Frank Gribble. Based on the arguments before me, I affirm the circuit court.

¶2 In this small claims action, Ganta alleged that Gribble owed him money relating to the disposal and moving of tires, detailing cars, damage to a car, and a security deposit. Gribble counter-claimed for damages relating to unpaid rent, damage to rental property, and statutory damages under WIS. STAT. § 704.27. After an evidentiary hearing, the circuit court made findings of fact and concluded that there were offsetting damages owed to both men. The court found that the credible evidence showed that Ganta owed Gribble \$15. The court entered judgment awarding Gribble \$15 plus \$300 statutory attorney fees.

¶3 Ganta has filed a brief-in-chief that is less than one page long. It contains nothing remotely resembling a developed argument. Generally speaking, Ganta appears to complain that he did not receive a fair trial because the circuit court did not permit him to present some witnesses by telephone. Ganta does not provide record cites or legal authority. More fundamentally, his argument is insufficient because he does not explain why the circuit court's decision not to allow the witnesses to testify made a difference in the outcome of the trial.

¶4 My review of the transcript reveals that the circuit court permitted one of Ganta's witnesses to testify by telephone and attempted to contact a second witness by telephone. Following that, the circuit court explained, in effect, that the remaining witnesses Ganta wished to have testify by telephone did not appear

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

to be necessary to resolve the disputed issues. Ganta's briefing does not explain why the missing witnesses' testimony might have affected the outcome of the trial.

¶5 I also note that Ganta asserts that the circuit court initially granted him permission to have his witnesses testify by telephone. I agree with Gribble that there is no support for this factual assertion in the record. And, as Gribble points out, Ganta has not demonstrated that he has a right to present witnesses by telephone. Thus, Ganta's implicit complaint that he was unfairly surprised by the circuit court's decision is not persuasive.

¶6 In sum, Ganta's arguments lack sufficient development. I decline to address them further. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to address issues that are inadequately briefed).

By the Court.—Judgment affirmed.

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

