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DISTRICT II

May 1, 2024

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

2023AP385

In re the marriage of: Marya L. Puchner v. John D. Puchner
(L.C. #2019FA89)

Before Neubauer, Grogan 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).

John D. Puchner, pro se, appeals from the circuit court's order denying his petition for waiver of transcript fees. Puchner argues: (1) the circuit court was required to hold a hearing on his petition; and (2) the circuit court erred in denying his petition because he is indigent and will prevail on appeal. 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.

There are multiple appeals pending before this court arising out of ongoing family law proceedings between Puchner and his former wife, Marya Lancour. Puchner sought free transcripts from the circuit court to pursue one of those appeals but the circuit court denied his petition.² The current appeal challenges the circuit court's order denying Puchner's petition.

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 App. 1998), *aff'd by an equally divided court*, 226 Wis. 2d 271, 594 N.W.2d 370 (1999), *superceded by statute on other grounds*.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.

Puchner first argues that the circuit court was required to hold a hearing on his petition. Puchner has not cited any legal authority to support his assertion that *Girouard* mandates that the circuit court hold a hearing. Therefore, we will not consider this argument further. *See ABKA*

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

² Puchner sought free transcripts in appeal No. 2022AP1318, which is being held in abeyance pending resolution of this appeal.

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.”).

Puchner next argues that the circuit court erred in denying his petition because he is indigent and will prevail on appeal. Puchner has the burden of demonstrating that the circuit court erred in denying his petition for waiver of transcript fees. See *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Puchner wholly fails to develop any facts or argument showing that his underlying appeal states a claim upon which relief can be granted; indeed, he makes no argument on this point whatsoever. We will “not step out of our neutral role to develop or construct arguments for parties; it is up to them to make their case.” *Doe I v. Madison Metro Sch. Dist.*, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (citation omitted). Having failed to develop any legal argument to demonstrate how the circuit court may have erred in denying his petition for waiver of transcripts fees, Puchner has failed to meet his burden as the appellant. Therefore, we affirm the circuit court’s order denying Puchner’s petition for free transcripts.

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