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DISTRICT II/IV

January 26, 2015

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

2013AP2876

First Midwest Bank N.A. v. Steen Mikkelsen
(L.C. # 2013CV477)

Before Blanchard, P.J., Higginbotham and Kloppenburg, JJ.

Steen and Jodeen Mikkelsen appeal a foreclosure judgment issued against them on summary judgment. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

The appellants do not dispute that they failed to make scheduled payments on a mortgage note. They raise eight affirmative defenses (none of which were pled as counterclaims) that they contend nonetheless entitle them to trial on the foreclosure action. Their brief fails, however, to develop any coherent arguments applying the multiple legal authorities they cite to the facts of record with respect to the elements of any of their eight appellate claims, and instead relies largely upon conclusory assertions to demand relief.

“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). Consequently, this court need not consider arguments that are unsupported by adequate factual and legal citations or are otherwise undeveloped. See WIS. STAT. RULE 809.19(1)(d) and (e) (setting forth the requirements for briefs); *Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (regarding unsupported arguments); and *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (regarding undeveloped arguments).

In short, the appellants have not adequately explained what material facts would entitle them to trial on any of their affirmative defenses. We therefore reject the appellants’ appeal based upon the deficiencies of their brief, without discussing the merits of any of the issues they have presented.

IT IS ORDERED that the judgment of foreclosure is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals