



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

April 7, 2016

To:

Hon. Kevin E. Martens
Circuit Court Judge
Safety Building Courtroom, # 502
821 W. State Street
Milwaukee, WI 53233-1427

John Barrett
Clerk of Circuit Court
Room G-8
901 N. 9th Street
Milwaukee, WI 53233

Christopher C. Drout
Timothy M. Brovold
Gray & Associates, LLP
16345 W. Glendale Dr.
New Berlin, WI 53151-2841

Focus Credit Union
3180 N. 124th St., Ste. A
Wauwatosa, WI 53222-4062

Denis J. Henk
8612 W Maple
West Allis, WI 53214

Jane Moe Henk
8612 W Maple
West Allis, WI 53214

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

2014AP2857

Green Tree Servicing LLC v. Denis J. Henk (L.C. #2013CV674)

Before Curley, P.J., Brennan and Brash, JJ.

Denis J. Henk, *pro se*, appeals a circuit court order that denied his motion for relief from a summary judgment of foreclosure granted to Green Tree Servicing, LLC (Green Tree). Upon our review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).¹ We summarily affirm the order.

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Henk previously pursued an appeal of the foreclosure judgment awarded to Green Tree in this matter. See *Green Tree Servicing LLC v. Henk*, No. 2014AP891, unpublished op. and order (WI App Mar. 19, 2015) (*Henk I*). We summarily affirmed, concluding that Green Tree established a *prima facie* case for summary judgment and that Henk failed to show a genuine issue of law or fact. *Id.* at 3-4. While *Henk I* was pending in this court, Henk moved the circuit court for relief from the foreclosure judgment. The circuit court denied the motion, and Henk appeals.

Green Tree provides a thorough discussion of the circuit court proceedings and why, in Green Tree's view, the circuit court correctly denied Henk's motion for relief from judgment.² While we appreciate that discussion, we conclude we must affirm the circuit court's order for a different and more fundamental reason: the appellate brief that Henk submitted does not comply with the rules of appellate procedure and is inadequate to support a claim for relief of any kind.

An appellate brief must include an argument, supported by citations to legal authorities and references to the record, demonstrating why the appellant should prevail. See WIS. STAT. RULE 809.19(1)(e). Henk has submitted an appellate brief that wholly fails to fulfill this obligation. His "argument" consists of just one sentence. In that sentence, he alleges Green Tree violated "federal law" before filing suit by mailing a document to him using his father's address. Henk fails to identify the specific law he believes Green Tree violated, fails to advise us of any

² We observe that one of the cases Green Tree cites in its discussion is an unpublished *per curiam* court of appeals opinion that has no factual connection to the instant matter. See Response Brief and Appendix at 12, *Green Tree Servicing v. Henk*, No. 2014AP2857 (WI App Nov. 16, 2015). We remind Green Tree that an unpublished *per curiam* opinion of the court of appeals may not be cited in any court of this state except to support a claim of claim preclusion, issue preclusion, or the law of the case. See WIS. STAT. RULE 809.23(3)(a)-(b).

legal authority confirming his view of that unspecified law, and fails to explain why violation of any such law warrants relief from a foreclosure. Henk also fails to direct our attention to any portion of the record supporting his factual allegations.

This court does not develop arguments for an appellant. *See State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987). We do not supply legal research to an appellant who makes unsupported assertions. *See Boles v. Milwaukee Cty.*, 150 Wis. 2d 801, 818, 443 N.W.2d 679 (Ct. App. 1989). We do not scour the record for facts that might substantiate an appellant's allegations. *See Tam v. Luk*, 154 Wis. 2d 282, 291 n.5, 453 N.W.2d 158 (Ct. App. 1990). In sum, this court does not consider vague and unexplained claims. *See M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988).

We allow *pro se* litigants some leeway in their obligation “to comply with relevant rules of procedural and substantive law.” *See Waushara Cty. v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (citation omitted). Henk's brief, however, “is so lacking in ... substance that for us to decide [the] issues, we would first have to develop them.” *See State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992). We decline to do so. This court cannot serve as both advocate and judge. *Id.*

Therefore,

IT IS ORDERED that the circuit court order is summarily affirmed. *See WIS. STAT. RULE 809.21(1).*

Diane M. Fremgen
Clerk of Court of Appeals