



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 III

November 1, 2016

To:

Hon. Steven R. Cray
Circuit Court Judge
Chippewa County Courthouse
711 N Bridge St
Chippewa Falls, WI 54729

Karen Hepfler
Clerk of Circuit Court
Chippewa County Courthouse
711 N. Bridge Street, Ste. 220
Chippewa Falls, WI 54729

Jason A. Kunschke
Thomas W. Scrivner
Michael Best & Friedrich
100 E. Wisconsin Ave. #3300
Milwaukee, WI 53202

Jennifer L. Vandermeuse
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Dennis L. Maxberry
912 Pearl St., Apt. 101
Chippewa Falls, WI 54729

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

2015AP2122

Dennis L. Maxberry v. Labor and Industry Review Commission
(L. C. No. 2015CV143)

Before Stark, P.J., Hruz and Seidl, JJ.

Dennis Maxberry, pro se, appeals a judgment affirming a Labor and Industry Review Commission (LIRC) decision dismissing Maxberry's complaint under the Wisconsin Fair Employment Act. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition, and summarily affirm the judgment. *See* WIS. STAT. RULE 809.21 (2013-14).¹

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

Maxberry's brief is wholly inadequate. Although the brief contains a few record citations, Maxberry fails to include appropriate references to the record for all facts relevant to the issues presented for review. *See* WIS. STAT. RULE 809.19(1)(d). Although the appendix should include, among other things, the findings or opinion of the circuit court, and limited portions of the record essential to an understanding of the issues raised, *see* WIS. STAT. RULE 809.19(2)(a), the appendix to the brief fails to include the decisions of either the circuit court or, more importantly, LIRC.

To establish that the issues are properly preserved, the brief must contain a statement of the issues presented for review and how the circuit court decided them. WIS. STAT. RULE 809.19(1)(b). Here, the stated issues are incomprehensible. This court need not address issues so lacking in organization and substance that for the court to decide the issues, it would first have to develop them. *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

Maxberry's arguments on appeal are likewise incomprehensible. Proper appellate argument must contain the contention of the party and the reasons therefore, with citation of authorities, statutes and that part of the record relied on. WIS. STAT. RULE 809.19(1)(e). This court strives to discern any possible arguments from pro se litigants in order to consider the merits of an appeal, and we do not lightly decide that briefing is inadequate. We attempted to discern such possible arguments in this case without success. Maxberry's purported legal arguments fall far below even the lenient standards we apply to pro se appellants. Inadequate argument will not be considered. *See State v. Shaffer*, 96 Wis. 2d 531, 545-46 n.3, 292 N.W.2d 370 (Ct. App. 1980). Nor will we abandon our neutrality by developing Maxberry's arguments for him. *See Barakat v. DHSS*, 191 Wis. 2d 769, 786, 530 N.W.2d 392 (Ct. App. 1995).

Because Maxberry's inadequate briefing fails to persuade this court of any circuit court error, we will affirm the judgment.

Upon the foregoing,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals