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DISTRICT IV

February 23, 2017

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

2014AP2531	DuWayne J. Hoffman v. Scenic Ridge Verona, LLC
2014AP2635	(L.C. #2011CV1019)

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

On appeal, DuWayne and Judith Hoffman argue that the circuit court erroneously exercised its discretion in dismissing the Hoffmans' inverse condemnation claims against Wisconsin Power and Light (WP&L) and the City of Verona. 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 (2015-16).¹ We affirm.

This is a companion case to *Hoffman v. Scenic Ridge, LLC*, No. 2014AP1766, which addresses the Hoffmans' adverse possession claim against Scenic Ridge. In that case, we affirmed the circuit court's ruling that the Hoffmans gained title by adverse possession to a .589 acre disputed parcel and subsequent forced sale of the property to Scenic Ridge for \$35,400.

In these separate appeals, the Hoffmans brought inverse condemnation claims against WP&L,² which installed utilities, and the City,³ which added roads and sidewalks, on the disputed parcel. At the same hearing, after ordering the forced sale of the disputed parcel to Scenic Ridge, the circuit court dismissed the Hoffmans' inverse condemnation claims on the ground that the claims were moot.

Specifically, the circuit court dismissed the Hoffmans' inverse condemnation claims against WP&L and the City on the ground that the forced sale of the disputed parcel to Scenic Ridge in the amount of \$35,400 constituted full compensation for the Hoffmans' pecuniary loss, and thus, the Hoffmans' claims against both WP&L and the City were moot. In an oral decision, the court queried "how many times do the Hoffmans get paid. Once Scenic Ridge took [the disputed parcel] and has to pay the Hoffmans for it, do [the Hoffmans] get paid a second time by the City of Verona ... [and] a third time by Wisconsin Power and Light. I don't think so." Thus,

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² *Hoffman v. Scenic Ridge Verona LLC*, No. 2014AP2531.

³ *Hoffman v. Scenic Ridge Verona LLC*, No. 2014AP2635.

the sole issue before this court is whether the court erred in determining that the Hoffmans' inverse condemnation claims against the City and WP&L were moot.

An issue is moot when a party seeks a determination that will have no practical effect on an existing legal controversy. *Racine v. J-T Enters. of Am., Inc.*, 64 Wis. 2d 691, 700-01, 221 N.W.2d 869 (1974). Appellate courts generally decline to decide moot issues. *See State ex rel. Wis. Envtl. Decade, Inc. v. Joint Comm. for Review of Admin. Rules*, 73 Wis. 2d 234, 236, 243 N.W.2d 497 (1976).

The Hoffmans do not provide a reason to question the circuit court's mootness rulings. Rather than address the court's mootness rulings, the Hoffmans assert that the court committed an error of law by dismissing the claims, but on grounds not relied upon by the court. The Hoffmans inexplicably repeat the grounds for their undisputed adverse possession claim and their challenge to the court's valuation of the disputed parcel. Critically, in their briefs on appeal, the Hoffmans neither discuss the effect the forced sale had on the Hoffmans' inverse condemnation claims nor explain why the court's determination that these claims were moot, because the Hoffmans were already compensated by the forced sale, was in error.

Because the only issue before this court is whether the circuit court erred in ruling that the Hoffmans' inverse condemnation claims were moot, and the Hoffmans do not address the ground upon which the court dismissed these claims, we do not further consider the Hoffmans' alleged claims of circuit court error. *See Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994) (A brief is insufficiently developed "when an appellant ignores the ground upon which the trial court ruled and raises issues on appeal that do not undertake to refute the trial court's ruling.").

Upon the forgoing reasons,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE
809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals