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DISTRICT IV

May 21, 2020

To:

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Arvind M. Patel
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You are hereby notified that the Court has entered the following opinion and order:

2019AP286 Town of Kildare v. Arvind M. Patel (L.C. # 2018CV72)

Before Blanchard, Kloppenburg and Graham, 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).

Arvind Patel, pro se, appeals a money judgment entered against him for violations of the building code of the Town of Kildare. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Patel appeals a default judgment entered against him after he failed to answer the civil forfeiture complaint filed against him by the Town of Kildare. The complaint alleged that Patel had allowed or caused a mobile home to be placed on real property he owned without obtaining a permit, in violation of Town ordinances. After several unsuccessful attempts to serve Patel, the Town served him by publication. The circuit court entered a default money judgment against Patel, and Patel now appeals.

Although the arguments in the appellant's brief are difficult to follow, we understand Patel to be arguing on appeal that the circuit court lacked the personal and subject matter jurisdiction to enter a default judgment against him. In addition, Patel appears to argue that he does not own the real property at issue and that he did not cause or grant permission for placement of a mobile home on the property. In the respondent's brief, the Town counters that Patel should have raised his arguments in a motion for relief from the default judgment under WIS. STAT. § 806.07. The Town asserts that, in the absence of a motion under § 806.07, Patel failed to preserve any of the issues he now raises on appeal.

Although the appellant's brief contains numerous complaints about the circuit court proceedings in this matter, Patel fails to develop coherent arguments that apply relevant legal authority to the facts of record, and instead relies largely upon conclusory assertions. "A party must do more than simply toss a bunch of concepts into the air with the hope that either the trial 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 *Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463, *abrogated on other grounds by Wiley v. M.M.N. Laufer Family*

Ltd. P'ship, 2011 WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236 (lack of record citations); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the record to develop viable, fact-supported legal theories on the appellant’s behalf, *Jackson*, 229 Wis. 2d at 337.

Here, Patel has failed to develop his arguments legally or to support them factually, and he has failed to file a reply brief responding to the Town’s assertion that Patel failed to preserve his arguments in the circuit court. Propositions asserted by a respondent on appeal and not disputed by the appellant in the reply brief are taken as admitted. See *Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994).

In sum, we reject Patel’s arguments as undeveloped and we affirm the circuit court on that basis.

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

IT IS ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals