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DISTRICT IV

June 11, 2020

To:

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

2019AP948

Nationstar Mortgage LLC v. Susan Britz (L.C. # 2018CV141)

Before Blanchard, Graham, and Nashold, 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).

Susan Britz, pro se, appeals a judgment of foreclosure granted to Nationstar Mortgage LLC. 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(1).¹ We affirm.

Britz's arguments on appeal are not well developed. We address what we understand to be her main arguments, and we reject those arguments for the reasons that follow. Any arguments that we do not explicitly address are also rejected. *See Libertarian Party of Wis. v. State*, 199 Wis. 2d 790, 801, 546 N.W.2d 424 (1996) (declining to discuss arguments that lack "sufficient merit to warrant individual attention."). Although we make some allowances for pro se litigants, our role is not to create issues or make arguments on their behalf. *See State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 165, 582 N.W.2d 131 (Ct. App. 1998); *see also State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992) ("We cannot serve as both advocate and judge.").

Britz argues that the circuit court erred by resolving this case on summary judgment while discovery was pending. She asserts that, at the time the court granted summary judgment, Nationstar had failed to produce a witness for deposition and had provided evasive and incomplete answers to discovery requests. Britz further asserts that genuine issues of material fact remained in dispute. However, Britz does not explain further. For example, she does not explain how the witness's testimony might have been relevant to a material issue of fact. Without such explanation, Britz does not persuade us that the circuit court erred by resolving this case on summary judgment while discovery was pending.

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

Alternatively, Britz may mean to argue that Nationstar was not entitled to summary judgment unless it produced a witness for in-person testimony. If that is her argument, Britz misunderstands the type of evidentiary showing needed for summary judgment. Summary judgment is appropriate when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” WIS. STAT. § 802.08(2).

Finally, Britz argues that there was no enforceable mortgage agreement between her and Nationstar. She cites legal standards for the formation of a contract. Britz does not, however, explain why the evidence submitted showed any genuine issue of material fact under these standards, and such an explanation is necessary.

Therefore,

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

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

Sheila T. Reiff
Clerk of Court of Appeals