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DISTRICT IV

April 15, 2021

To:

Hon. Peter Anderson
Circuit Court Judge
Br. 17, Rm. 6103
215 S. Hamilton St.
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2020AP314

Ashley M. Hinrichs v. Greg Griswold (L.C. # 2019CV775)

Before Blanchard, Kloppenburg, 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).

Greg Griswold, pro se, appeals a circuit court order that dismissed, upon summary judgment, Griswold's counterclaims against Ashley Hinrichs. Based upon our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2019-20).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

Griswold states that his appeal presents the following three issues:

I. Hinrichs’ Motion for Summary Judgment was NOT sufficiently supported to have established no triable issues of material fact existed on any issue presented[.]

II. Did the [circuit] court erroneously exercise its discretion in having entirely abandoned its required neutrality, when it demonstrated [its] having become Hinrichs’ attorney to have “bench-ried” the case, acting as jury?

III. Did the [circuit] court erroneously exercise its discretion when, over the course of its approximate 150 page oral rulings, it was litigating Hinrichs’ case acting on her behalf as her personal attorney, so as to have unfairly denied Griswold’s right to receive fundamentally fair due process?

Although these issue statements are reasonably comprehensible, Griswold’s supporting legal and factual assertions do not supply coherent or developed arguments. We affirm on that basis. See *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (declining to address arguments that lacked “developed themes reflecting any legal reasoning”); *M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988) (declining to consider an “unexplained and undeveloped” argument).

To explain a bit further, the primary deficiency in Griswold’s briefing is not that he fails to provide citations to legal authority or to the record. Rather, the primary deficiency is that Griswold does not apply the law to specific facts or otherwise develop any argument with meaningful content. Instead, for the most part, Griswold provides strings of legal citations and factual assertions that fail to cohere into a meaningful whole.

For example, in one section of his brief, Griswold provides a series of case law quotations relating to judicial impartiality and then goes on to make the following series of factual assertions:

The court both refused holding any meaningful consideration, without notice of any proffered exercise of discretion, to have both not have determined issues on their merits; or entirely waived Hinrichs' participation without explanation, demonstrated in:

a. Griswold's denied prior motions seeking to strike or object to the then ongoing proceedings: R-7, R-10, R-15, R-21, R-28, R-29, R-34, R-37; R-49, R-103, R-106, R-108, R-109, R-117;

b. Griswold's seeking to strike Hinrichs' previous fatally defective pleadings, R-17, R-18, R-22, R-27, R-34;

c. court's *sua sponte* prosecutorial challenging:

i. Griswold's standing, R-209 15:18-18:23[;]

ii. integrity of Griswold's Chapter 7 bankruptcy, R-57;

d. Griswold's challenging Hinrichs' untimely R-170's "Motion for Summary Judgment" by motions to strike, and such similar objections taken to the ongoing summary judgment charade, R-173, R-174, R-175, R-178, R-180, R-181, R-182, R-186, R-187, R-188, and Hinrichs' subsequent responses, R-179, R-183, R-184;

e. with further terse court orders directing Hinrichs NOT to add any further "gas to the inferno", R-176, R-185, R-212, R-213, R-214, and R-215;

f. as well as what all were the court's consistent efforts made to have completely "protected" Hinrichs from "having been her own "worst enemy" practicing *pro se*, R-39, R-42, R-50, if only because the court believed Griswold to have been an unfairly far more experienced litigant, see R-210's 3:15-21, 46:7-48:25; R-208's 53:9-58:17;

This representative example does not constitute a developed, coherent legal argument.

Although we make some allowances for the failings of litigants who, as here, are not represented by counsel, "[w]e cannot serve as both advocate and judge" by "making an argument for the litigant." See *State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 165, 582 N.W.2d 131 (Ct. App. 1998). In other words, it is not our role to take the raw materials that Griswold has

provided and try to fashion them into a developed argument that might or might not demonstrate circuit court error.

Therefore,

IT IS ORDERED that the circuit court's order 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