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DISTRICT I

April 5, 2022

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

2019AP2023

Daniel Manoyan v. Valerie McCaffrey (L.C. # 2017CV13313)

Before Donald, P.J., Dugan and White, 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).

Valerie McCaffrey, *pro se*, appeals a judgment ordering her to pay \$20,833.33 to Daniel Manoyan. 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 summarily affirm.

The underlying claims stem from the alleged misuse of investment funds during pre-production of a movie. Manoyan, as the assignee of the movie’s investor, filed a lawsuit against McCaffrey and others asserting causes of action that included fraudulent inducement, breach of contract, breach of fiduciary duty, unjust enrichment, conversion, and civil theft.

Following a three-day bench trial and post-trial briefing, the trial court issued a decision and order for judgment. The trial court held that only Manoyan’s unjust enrichment claim was sustainable. As to that claim, the trial court found that McCaffrey “took too high an initial percentage of [her] producer fee” and, as a result, owed Manoyan \$20,833.33.

McCaffrey appeals and represents to this court that no transcripts are necessary for resolution of this appeal. McCaffrey’s legal arguments are difficult to discern and contain only fleeting references to legal authority or support in the record, contrary to WIS. STAT. RULE 809.19(1).² Instead, she largely relies on articles and other publications related to the film industry to support her position. Not only do these not constitute legal authority, they do not appear to have been introduced into evidence during trial. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (“Arguments unsupported by references to legal authority will not be considered.”).

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

² An appellant’s brief to this court must contain “a statement of facts relevant to the issues presented for review, with appropriate references to the record,” WIS. STAT. RULE 809.19(1)(d), as well as an “argument on each issue,” citing “the authorities, statutes and parts of the record relied on,” RULE 809.19(1)(e).

While this court provides some flexibility for *pro se* litigants, it does not walk them through all the procedural requirements or point them to the proper substantive law. *See Waushara Cnty. v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). A *pro se* litigant's brief must, at a minimum, "state the issues, provide the facts necessary to understand them, and present an argument on the issues." *Id.* (citation omitted).

McCaffrey seeks reversal of the judgment requiring her to pay Manoyan \$20,833.33, money she contends she "rightfully earned." This amounts to a challenge to the intertwined findings and conclusions of the trial court. The trial court, as fact-finder, is the ultimate arbiter of witness credibility, and we must uphold its factual findings unless they are clearly erroneous. *See* WIS. STAT. § 805.17(2). We assume that the missing trial transcripts support the trial court's decision.³ *See Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993) ("[W]hen an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the trial court's ruling."); *see also Haack v. Haack*, 149 Wis. 2d 243, 247, 440 N.W.2d 794 (Ct. App. 1989) (recognizing that when transcripts are missing, we must assume that any fact essential to sustain the trial court's decision is supported by the record.). On this record, we cannot conclude that the trial court erred in determining McCaffrey owed Manoyan \$20,833.33.

³ Manoyan previously filed a letter that we construed as a motion to dismiss the appeal because McCaffrey had not provided transcripts. This court issued an order putting McCaffrey on notice that, as the appellant, she bore the responsibility for ensuring that the record on appeal was complete and that we would assume any missing transcripts supported the trial court's decision. *See Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993). In the order, this court advised that it would not dismiss the appeal as a sanction but would assume that the trial court's decision was correct if transcripts were not available to properly review the decision. Following our order, McCaffrey filed a letter and "strongly disagreed" that transcripts were needed.

Therefore,

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

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

Sheila T. Reiff
Clerk of Court of Appeals