



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

April 5, 2023

To:

Hon. Kristin Cafferty
Circuit Court Judge
Electronic Notice

Christopher J. Conrad
Electronic Notice

Bruce Fishbain
Register in Probate
Racine County Courthouse
Electronic Notice

William J. Krummel
1118 S. Sunnyslope Drive, Unit C4
Mount Pleasant, WI 53406

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

2022AP717

William J. Krummel v. Susan M. Rothering (L.C. #2021PR184)

Before Gundrum, P.J., Grogan and Lazar, 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).

William J. Krummel, pro se, appeals from an order dismissing his Complaint against his sister, Susan M. Rothering, alleging she breached her duties as trustee of the Krummel family trusts to Krummel, a trust beneficiary. Krummel wanted Rothering removed as trustee. 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 (2021-22).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

In June 2021, Krummel filed a Complaint alleging Rothering had breached various duties related to her actions as the trustee of family trusts where Krummel was a beneficiary. After a variety of proceedings, the circuit court dismissed Krummel's Complaint in April 2022. The circuit court granted Rothering's motions to appoint a corporate co-trustee and to dismiss any individual claims against Rothering. The court also denied all of Krummel's summary judgment motions. Specifically, the court determined Krummel failed to show Rothering had breached her duties as trustee and rejected both Krummel's request to remove Rothering as trustee and his request for the court to refer Rothering to the district attorney for investigation. The court dismissed Krummel's action. Krummel now appeals.

On appeal, Krummel contends the circuit court should have ruled in his favor and removed Rothering as trustee. However, Krummel fails to identify how the circuit court erred and fails to develop any legal argument. As the appellant, it is Krummel's burden to identify how the circuit court erred and provide legal authority explaining why reversal from this court is necessary. See *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381 (On appeal, an appellant bears the burden to demonstrate how the circuit court erred.); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) ("We cannot serve as both advocate and judge" and therefore do not address inadequately developed issues.).

Krummel's briefs fall woefully short of doing either. He also failed to provide any citations to the Record, which WIS. STAT. § 809.19(1)(e) requires. "An appellate court is improperly burdened where briefs fail to properly and accurately cite to the record." *Hedrich v. Board of Regents of Univ. of Wis.*, 2001 WI App 228, ¶2 n.2, 248 Wis. 2d 204, 635 N.W.2d 650; *Roy v. St. Lukes Med. Ctr.*, 2007 WI App 218, ¶10 n.1, 305 Wis. 2d 658, 741 N.W.2d 256

(“We have no duty to scour the record to review arguments unaccompanied by adequate record citation.”). We do not address these inadequately briefed issues. See *Pettit*, 171 Wis. 2d at 646.

The Record reflects that the circuit court provided Krummel with every opportunity to prove his case. After doing so, the circuit court determined Krummel failed to produce any evidence to support his contention that Rothering breached her duties as trustee. Krummel has not provided us with any reason to overturn the circuit court’s dismissal of his case.

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to 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