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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 IV

April 30, 2013

To:

Hon. Patrick Taggart
Circuit Court Judge
Sauk Co. Courthouse
515 Oak Street
Baraboo, WI 53913-0449

Sandra B. Roemer
551 Quarry Street
Baraboo, WI 53913

Vicki Meister
Clerk of Circuit Court
Sauk Co. Courthouse
515 Oak Street
Baraboo, WI 53913-0449

Scott M. Rutter
405 3rd Street
Baraboo, WI 53913

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

2011AP1898

In re the marriage of: Sandra B. Roemer v. Scott M. Rutter
(L.C. # 2003FA359)

Before Lundsten, P.J., Higginbotham and Blanchard, JJ.

Sandra Roemer appeals the circuit court's order denying postjudgment motions in this divorce case. 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) (2011-12).¹

We affirm.

Roemer first argues that the circuit court did not rule on some of her pending motions. We disagree. It is clear from the circuit court's order of July 27, 2011, denying Roemer's motion for reconsideration, that the court believed it had resolved all pending issues. Therefore, at that

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

point, all pending motions not granted were denied, even if the court did not give specific reasons for denying them. And, furthermore, even if Roemer were correct that the circuit court did not decide some of her pending motions, that would not entitle her to relief in this appeal. Instead, it would mean that the appeal must be dismissed because it was taken from a nonfinal order, that is, one that did not dispose of the entire matter in litigation between these parties. *See* WIS. STAT. § 808.03(1) (appeals may be taken as a matter of right only from final orders or judgments).

Roemer next argues that the circuit court erred in concluding that she did not present newly discovered evidence in seeking reconsideration of prior circuit court decisions. The main difficulty we have with this argument is that the brief does not develop it with sufficient context to enable us to understand the significance of the evidence in question. The argument does not contain a clear explanation of how the evidence in question relates to previous circuit court decisions or to any particular legal standard under which Roemer was seeking relief. Accordingly, we conclude the argument is not sufficiently developed. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). 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.” *Id.* at 647.

Finally, Roemer raises several questions about the circuit court’s interpretation or application of the contempt statute. However, the function of a brief is not for a party to simply ask questions, but to make arguments that support a particular answer that the party seeks on those questions, and, for an appellant, to show that the circuit court erred in some meaningful way. This section of Roemer’s brief does not cite to any legal authority and does not analyze the

contempt statute to show why the circuit court may have erred. Therefore, we again conclude that the argument is undeveloped.

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

Diane M. Fremgen
Clerk of Court of Appeals