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DISTRICT III

November 24, 2026

To:

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Circuit Court Judge
Electronic Notice

Nancy Kallgren
Register in Probate
Marinette County Courthouse
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Luke James Fischer
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Steven E. Wolfe
Electronic Notice

Vito M. Cinquepalmi
P.O. Box 282
Crivitz, WI 54114

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

2024AP1834 In re the estate of Vito E. Cinquepalmi: Vito M. Cinquepalmi v. Danielle J. Cinquepalmi (L.C. # 2023PR79)

Before Stark, P.J., Hruz, and Gill, 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).

Vito M. Cinquepalmi ("Vito"), pro se, appeals an order directing the Estate of Vito E. Cinquepalmi ("the Estate") to pay him $3,500.[1] 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 (2023-24).[2] For the reasons explained below, we summarily affirm.

[1] Because the parties to this appeal share a surname, we will refer to them by their first names throughout this summary disposition order.

[2] All references to the Wisconsin Statutes are to the 2023-24 version.

Vito E. Cinquepalmi ("the decedent") passed away on August 7, 2023. The decedent's wife, Danielle Cinquepalmi ("Danielle"), filed an application for informal administration and was named as personal representative of the Estate. Vito, the decedent's father, subsequently filed a claim against the Estate in the amount of $75,365.16 for "work completed," "invoices paid," and "unpaid bills." Danielle filed an objection to the claim, asserting that it lacked merit.

Vito then filed a lis pendens regarding a piece of property located on Sunnyview Lane in Crivitz, Wisconsin, that was deeded in the decedent's name. Danielle asserts—and Vito does not dispute in his reply brief on appeal—that the circuit court canceled the lis pendens during a pretrial hearing on July 10, 2024, after considering Vito's "claims with respect to an alleged partnership with the decedent to manage [the] property" and concluding that Vito "did not have any written agreement which would show a partnership between Vito and [the] decedent regarding property management."[3]

The Estate subsequently moved for summary judgment on Vito's claim. The motion alleged that Vito "did convey the whole of the balance of his interest in the [Sunnyview Lane property] to [the decedent] pursuant to a Quit Claim Deed dated May 23, 2012 and recorded with

[3] The appellate record does not contain a transcript of the July 10, 2024 pretrial conference. It is the appellant's burden to ensure that the record is sufficient for us to review the issues raised on appeal, *see* ***State Bank of Hartland v. Arndt***, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986), and we must assume that any missing materials support the circuit court's ruling, *see* ***Fiumefreddo v. McLean***, 174 Wis. 2d 10, 27, 496 N.W.2d 226 (Ct. App. 1993).

Nevertheless, we also note that Danielle has improperly included a transcript of the July 10, 2024 pretrial conference in the appendix to her respondent's brief, and she cites to her appendix to support her claims about what occurred during that hearing. "The appendix may not be used to supplement the record," ***Reznichek v. Grall***, 150 Wis. 2d 752, 754 n.1, 442 N.W.2d 545 (Ct. App. 1989), and we "cannot consider … extraneous material included in [a party's] appendix," ***State v. Kuhn***, 178 Wis. 2d 428, 439, 504 N.W.2d 405 (Ct. App. 1993).

the Marinette County Register of Deeds on June 7, 2012." The motion further alleged that after becoming the sole owner of the property, the decedent began renting out a mobile home on the property, and there was no evidence of any "partnership" between Vito and the decedent with respect to the property. According to the motion, Vito "still attempted to involve himself with the Property to the consternation of [the decedent], [Danielle] and the property manager," and he "would from time to time actually reside in one of the outbuildings, which had no utilities, as a squatter." The motion asserted that Vito "would occasionally attempt to 'improve' the outbuildings," but that he had no permission to do so.

Following a hearing, the circuit court granted the Estate's motion for summary judgment with respect to Vito's claim. The court concluded, however, that Vito was entitled to an award of $5,000 for unjust enrichment, based on work that Vito had performed on the property that increased its value. The court also determined that Vito should be required to pay the Estate $1,500 in attorney fees. After offsetting those amounts, the court ordered the Estate to pay Vito $3,500. Vito now appeals.

As an initial matter, we note that Vito's appellate briefs are very difficult to follow. Vito does not provide a cohesive statement of the facts giving rise to his appeal, nor are the factual assertions in his briefs supported by adequate record citations. *See* WIS. STAT. RULE 809.19(1)(d). "It is not this court's responsibility to sift and glean the record in extenso to find facts supporting [a party's] argument." ***Jensen v. McPherson***, 2004 WI App 145, ¶6 n.4, 275 Wis. 2d 604, 685 N.W.2d 603. Moreover, Vito's arguments "are not developed themes reflecting any legal reasoning," and he generally either fails to cite any legal authority in support of his arguments or fails to explain how the cited authorities support his claims. *See* ***State v.***

Pettit, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992). This court need not address arguments that are undeveloped or inadequately briefed. ***Id.*** at 646-47.

Turning to Vito's specific arguments, as best we can discern them, Vito first appears to argue that the circuit court erred by canceling his lis pendens regarding the Sunnyview Lane property. His entire argument on this issue, however, is that he "has not received payment and has therefore not been satisfied." This argument is undeveloped, as Vito has failed to apply the relevant legal authority to the facts of record in order to demonstrate how the circuit court erred. *See* ***id.*** Additionally, as noted above, the appellate record does not contain a transcript of the July 10, 2024 pretrial conference at which the circuit court canceled the lis pendens. *See supra* note 3. We must therefore assume that the missing transcript supports the court's decision in that regard. *See* ***Fiumefreddo v. McLean***, 174 Wis. 2d 10, 27, 496 N.W.2d 226 (Ct. App. 1993).

Next, Vito suggests that the Estate's attorney defamed him by characterizing him as a "squatter" during the circuit court proceedings. Vito fails to explain, however, how this issue has any relevance to the circuit court's rulings in this case. The present lawsuit does not involve a defamation claim by Vito against the Estate's attorney. Moreover, Vito's argument is undeveloped because he fails to apply the facts of this case to the legal standard for defamation in order to show that the Estate's attorney actually defamed him. *See* ***Pettit***, 171 Wis. 2d at 646-47. Additionally, Vito fails to respond to the Estate's argument that its attorney's allegedly defamatory remarks characterizing Vito as a squatter were absolutely privileged, *see* ***Bergman v. Hupy***, 64 Wis. 2d 747, 749, 221 N.W.2d 898 (1974), and we therefore deem that point conceded, *see* ***Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.***, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (stating that unrefuted arguments may be deemed conceded). Accordingly, Vito

has failed to show that he is entitled to any relief based on the Estate's attorney's characterization of him as a "squatter."

Vito next argues that the Estate's attorney incorrectly suggested to the circuit court that Vito's mortgage on the subject property was in default. Again, this argument is undeveloped. *See* ***Pettit***, 171 Wis. 2d at 646-47. As the Estate correctly notes, Vito "makes no argument as to how the [circuit court] would have ruled differently in the event the [c]ourt had not heard that the mortgage was in default." Furthermore, Vito has failed to respond to the Estate's argument—and has therefore conceded—that any incorrect reference by the Estate's attorney to the mortgage being in default was harmless error. *See* ***Charolais Breeding Ranches***, 90 Wis. 2d at 109. In addition, to the extent Vito means to argue that the Estate's attorney defamed him by suggesting that the mortgage was in default, that argument is undeveloped, for the same reasons as Vito's prior defamation argument.

Vito next claims that the circuit court was biased against him. However, he does not explain how any of his allegations of judicial bias fulfill the legal standards for either objective or subjective bias. *See* ***State v. Gudgeon***, 2006 WI App 143, ¶¶20-21, 295 Wis. 2d 189, 720 N.W.2d 114. Consequently, his argument on this point is undeveloped, and we decline to address it further. *See* ***Pettit***, 171 Wis. 2d at 646-47.

Finally, Vito contends that the circuit court erred by awarding him only $5,000 for unjust enrichment. He apparently believes that the court should have awarded him the amount reflected on an "itemized list of costs and materials for the past 6 years" that he submitted to the court. We reject this argument because "unjust enrichment is based on equitable principles, with damages being measured by the benefit conferred upon the defendant, not the plaintiff's loss."

See ***Management Comput. Servs., Inc. v. Hawkins, Ash, Baptie & Co.***, 206 Wis. 2d 158, 188, 557 N.W.2d 67 (1996). Here, the Estate's appraiser opined that "the goods and services performed by [Vito] added Ten Thousand and 00/100 ($10,000.00) to the value of the subject property." At the hearing on the Estate's summary judgment motion, the circuit court confirmed that Vito had not obtained any other appraisal reflecting a different value for the improvements that he made to the property. Accordingly, the court stated that $10,000 was "the maximum" amount that Vito could recover for unjust enrichment.

The circuit court then determined that it was appropriate to reduce that amount to $5,000 because there was "zero credible evidence in the record" that Vito was asked to make any improvements to the property; Vito "forc[ed]" his services on Danielle and the decedent; Danielle and the decedent "tolerated" Vito being on their property even though he had no legal right to be there; and, under these circumstances, any benefit to the Estate and Danielle as a result of Vito's services was "marginal at best," and Danielle "put up with a lot of guff to get it." On appeal, Vito fails to cite any legal authority in support of the proposition that the court erred by reducing its award for unjust enrichment from $10,000 to $5,000. Consequently, he has failed to present a developed argument showing that the court erred in that regard.[4] *See* ***Pettit***, 171 Wis. 2d at 646-47.

[4] We have addressed Vito's arguments as best we can discern them. To the extent Vito intended to raise additional arguments that we have not separately addressed in this summary disposition order, we deem them inadequately briefed to warrant individual consideration. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992). In addition, we decline to address any arguments that Vito raised for the first time in his reply brief. *See* ***A.O. Smith Corp. v. Allstate Ins.***, 222 Wis. 2d 475, 492, 588 N.W.2d 285 (Ct. App. 1998).

Therefore,

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals