

**COURT OF APPEALS
DECISION
DATED AND FILED**

July 28, 2016

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2015AP2280

Cir. Ct. No. 2015SC4325

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

VALERIE L. KREGER-MUELLER,

PLAINTIFF-APPELLANT,

V.

DAVID M. FLORES,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County:
JUAN B. COLAS, Judge. *Affirmed.*

¶1 LUNDSTEN, J.¹ Valerie Kreger-Mueller appeals, pro se, the circuit court's order dismissing her small claims action against her child's father for alleged child-related expenses. For the reasons below, I affirm.²

¶2 The small claims court commissioner concluded that the alleged child-related expenses were addressed, or still could be addressed, in separate family court proceedings. More specifically, the commissioner explained:

Upon review of the [small claims] complaint, its attachment, and the answer, it appears that the [small claims] case involves claims that have been brought in the family court action. Those claims have been either fully litigated or there is an available path for Ms. Kreger to follow to have them considered in the family case, if she chooses to follow the standing orders in that [family court] case. For example, there is a January 13, 2015 order that outlines what Ms. Kreger must allege and include in order to be granted a hearing on the issues she wishes to raise. In any event, a new court action is barred by principles of claim and issue preclusion, and it is not legally proper to collaterally attack a Family Court Order or Judgment in a Small Claims proceeding.

(Footnote omitted.)

¶3 Kreger-Mueller sought a de novo trial in the circuit court, and, after a hearing, the circuit court reached a similar conclusion. The court explained to Kreger-Mueller that her claims for expenses were not properly brought as a small claims action and should have been pursued in the family court proceedings. Like the small claims court commissioner, the circuit court reasoned that Kreger-

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a). All references to the Wisconsin Statutes are to the 2013-14 version.

² The respondent father has not filed a responsive brief. The court noted in a June 24, 2016 order that the lack of a responsive brief could result in summary reversal. I now conclude, for the reasons stated in this decision, that summary reversal is not appropriate.

Mueller’s small claims action was an impermissible collateral attack on, and was precluded by, the family court proceedings. For both of these reasons, the court dismissed the small claims action.

¶4 As far as I can tell based on the limited briefing and record before me, the court commissioner and circuit court were correct in concluding that a small claims action was not proper. Regardless, I affirm the circuit court’s dismissal of the small claims action because Kreger-Mueller has failed to meaningfully address either of the court’s reasons for dismissal. Rather, Kreger-Mueller’s arguments on appeal appear directed primarily at whether error occurred *in the family court proceedings*. Those arguments provide me with no basis to conclude that the circuit court erred *here* when the court dismissed the small claims action. See *State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 164-65, 582 N.W.2d 131 (Ct. App. 1998) (the court’s obligation to a pro se litigant does not include making an argument for the litigant); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (explaining what constitutes a developed argument and that court of appeals need not consider undeveloped arguments).³

¶5 Kreger-Mueller asserts that she has not received a fair hearing (whether in small claims court, family court, or both is not clear) “due to a conflict of interest with [] many of the circuit court commissioners and judges due to past litigation with [Kreger-Mueller’s] past employer who wrongfully terminated her from her job.” But Kreger-Mueller does not back up this assertion with factual or

³ The small claims court commissioner here also presided over some of the family court proceedings or related contempt proceedings. Kreger-Mueller should not let this confuse her as to the difference between those proceedings and the small claims action that is presently under review.

legal citations or with further explanation. This too is an undeveloped argument and, on that basis, I decline to address it further. *See Pettit*, 171 Wis. 2d at 646-47.

¶6 Finally, I note that Kreger-Mueller has other appeals pending. Those appeals are not presently before me, and I intend no comment here as to their merits.

By the Court.—Order affirmed

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.

