COURT OF APPEALS
DECISION
DATED AND FILED

November 1, 2017

Diane M. Fremgen
Clerk of Court of Appeals

Appeal No. 2017AP478 **Cir. Ct. No. 2017SC416**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT II

ROBERT E. DAVIES,

PLAINTIFF-RESPONDENT,

V.

ERIC T. ULA-LISA,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Waukesha County: KATHRYN W. FOSTER, Judge. *Affirmed*.

¶1 HAGEDORN, J.[1] Eric T. Ula-Lisa appeals from the circuit court's decision affirming a default judgment of eviction against him. We affirm.

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

¶2 Robert E. Davies commenced this eviction action against Ula-Lisa alleging that Ula-Lisa had failed to pay $2015 of rent. Ula-Lisa filed an answer and counterclaim alleging that Davies had failed to repair a broken window on the premises. Because Ula-Lisa failed to appear at the eviction hearing, the court commissioner granted a default judgment in favor of Davies on February 13, 2017, and immediately issued a writ of restitution commanding the sheriff of Waukesha County to remove Ula-Lisa and his belongings within ten days. Ula-Lisa filed two motions to reopen on February 14, and the court commissioner ordered a hearing for February 20, 2017. Prior to a hearing on these motions, the Waukesha County Sherriff's Office forcibly removed Ula-Lisa from the premises on February 15, and put his belongings into storage. Ula-Lisa then requested that the court commissioner stay the writ of restitution. After the hearing on February 20, the court commissioner denied relief, and Ula-Lisa sought de novo review in the circuit court.

¶3 After a de novo hearing on March 7, 2017, the circuit court affirmed the default judgment of eviction and rejected Ula-Lisa's counterclaim. The court scheduled a second hearing to resolve the remainder of Ula-Lisa's arguments as well as Davies' claim for damages. The court rejected the remainder of Ula-Lisa's arguments at this second hearing. Ula-Lisa appeals the circuit court's denial of relief.

¶4 Ula-Lisa's pro se brief is somewhat difficult to track; we address the arguments we can ascertain. Much of his arguments suffer from a lack of development and citation to applicable legal authority. Although we extend some grace to pro se litigants, "[w]e cannot serve as both advocate and judge" by developing their arguments for them. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

¶5 Ula-Lisa first maintains that the police acted illegally by enforcing the eviction because he had filed a motion to reopen, and the time for filing such a motion had not run out. In other words, he takes the position that "the Writ of Restitution can only be granted after the appeal time is over." WISCONSIN STAT. § 799.44 plainly contradicts this position. Ordinarily, "the court shall immediately order that a writ of restitution be issued" after granting a judgment of eviction. Sec. 799.44(2). The writ of restitution provides that the sheriff must "immediately remove the defendant" and "restore" the premises to the plaintiff. Sec. 799.44(4). The court may, "upon application of the defendant," stay the issuance of the writ "in cases where [the court] determines hardship to exist" but is not required to do so. Sec. 799.44(3). Ula-Lisa offers no legal support for the notion that the eviction was somehow automatically stayed while he pursued relief from the default judgment. Therefore, as the circuit court found, police were following "a valid court order," and Ula-Lisa was rightfully evicted from the premises.

¶6 Relatedly, Ula-Lisa argues that we must reverse the eviction because he was not served with the writ of restitution, and the writ was not returned to the court within the statutory deadline. Ula-Lisa offers no development to these arguments, and we therefore decline to address them. As to service, the circuit court concluded that the eviction was proper and Ula-Lisa had proper notice of it. Ula-Lisa does not meaningfully address this ruling or explain how service was defective; he merely asserts that it did not occur. As to the failure to return the writ of restitution, it is true that the sheriff's office did not return the writ to the court within ten days. *See* WIS. STAT. § 799.45(5). However, Ula-Lisa offers no support for the idea that the remedy is to undo the underlying eviction—a remedy that would be odd in light of the fact that the sheriff's office is not a party to the case.

¶7 Ula-Lisa next maintains that the circuit court did not consider his counterclaim against Davies for failing to fix a broken window on the premises. The circuit court patiently addressed his counterclaim and denied it on the merits, noting that the broken window was not a defense for failing to pay rent. The court explained that "I think your counterclaim that there was a broken window is as flimsy as they get for an excuse, because you were significantly behind in your rent before" the incident with the broken window. We agree with the circuit court that this is not a valid defense to the eviction or a reason to reopen the default judgment.

¶8 Ula-Lisa finally insists that certain parts of the transcripts were doctored and the circuit court erred by failing to correct them. He does not, however, identify which transcript he is referring to and what parts of the transcripts are erroneous other than a general averment that certain pages "did not happen." We cannot address an argument so lacking in meaningful development. *See* ***Pettit***, 171 Wis. 2d at 646-47 (court of appeals need not address undeveloped arguments). To the extent Ula-Lisa raises other arguments, we are unable to discern them and therefore reject these arguments as insufficiently developed.

By the Court.—Order affirmed.

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