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DISTRICT II

November 25, 2026

To:

Hon. J. Arthur Melvin III
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Michael J. DiLiberto
Electronic Notice

William T. Lay

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

2025AP2501 William T. Lay v. Michael J. DiLiberto (L.C. #2025CV1598)

Before Gundrum, Grogan, and LoCoco, 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).

Michael J. DiLiberto, pro se, appeals from a harassment injunction issued against him pursuant to WIS. STAT. § 813.125 (2023-24).[1] The circuit court ordered that DiLiberto, for a period of two years, "cease or avoid the harassment of [William T. Lay]," "avoid [Lay's] residence and/or any premises temporarily occupied by [Lay]," "avoid contact that harasses or intimidates [Lay]," and "avoid contacting [Lay] or causing any person other than a party's attorney or law enforcement officer to contact [Lay] unless [Lay] consents in writing." DiLiberto asserts the court lacked personal jurisdiction over him and "the injunction must be

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

vacated." 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. We affirm.

BACKGROUND

Lay petitioned the circuit court for a temporary harassment restraining order and injunction against DiLiberto. He alleged that DiLiberto had harassed and intimidated him and other officers of the American Legion Post 294 by constantly emailing them and contacting various agencies alleging the Post's "elections were invalid, theft, fraud, corrupt practices, mismanagement [of] funds, tampering with gaming machines, secret bank accounts, lack of transparency, [and] violat[ion of] liquor and gaming laws." The court commissioner entered an order denying Lay's petition, dismissing the case, and dismissing and vacating "any order previously entered in this case." Lay filed a motion for de novo review of the commissioner's dismissal. The circuit court held a hearing, disagreed with the commissioner, and issued a harassment injunction against DiLiberto. DiLiberto appeals.

DISCUSSION

DiLiberto maintains that "[u]nder Wisconsin law, a de novo hearing before a circuit court judge is not a continuation of the commissioner proceeding. It is a **new action**, requiring … **new service of process**." He asserts that because he was not served anew, "the circuit court lacked personal jurisdiction and the injunction must be vacated."

As the appellant, DiLiberto bears the burden on appeal of demonstrating that the circuit court erred. *See* ***Gaethke v. Pozder***, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381.

He fails to satisfy this burden because he fails to develop anything resembling an argument to convince us the circuit court erred.

While DiLiberto does cite generally to WIS. STAT. §§ 801.05 and 813.125(2), he cites no Wisconsin case law and fails to develop any legal argument, based on his cited statutes or otherwise, to support his claim that the circuit court lacked personal jurisdiction. "We may decline to review issues inadequately briefed," ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992); *see also* ***Clean Wis., Inc. v. PSC***, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768 ("We will not address undeveloped arguments."), and we will not abandon our neutrality to attempt to develop arguments for a party, *see* ***Industrial Risk Insurers v. American Eng'g Testing, Inc.***, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82. Although DiLiberto is representing himself in this appeal, his brief must still comply with "relevant rules of procedural and substantive law." *See* ***Waushara County v. Graf***, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (citation omitted).[2] Without developed and supported arguments as to DiLiberto's claim that the circuit court lacked personal jurisdiction, DiLiberto cannot meet his burden to show how the court erred.

Additionally, we note that DiLiberto does not dispute that he was properly served with the petition for a temporary harassment restraining order and injunction. Then, after the court commissioner dismissed that petition, Lay filed a motion for a de novo review, as allowed by WIS. STAT. § 757.69(8), which states,

[2] Additionally, DiLiberto's brief fails to comply with several requirements of the Wisconsin Rules of Appellate Procedure, including providing citations to the record for asserted facts, as required by WIS. STAT. RULE 809.19(1)(d)-(e). *See* ***Madely v. RadioShack Corp.***, 2007 WI App 244, ¶14 n.7, 306 Wis. 2d 312, 742 N.W.2d 559 ("[W]e have no duty to scour the record to review arguments unaccompanied by adequate record citations.").

> [a]ny decision of a circuit court commissioner shall be reviewed by the judge of the branch of court to which the case has been assigned, upon motion of any party. Any determination, order, or ruling by a circuit court commissioner may be certified to the branch of court to which the case has been assigned, upon a motion of any party for a hearing de novo.

DiLiberto's failure to develop any legal argument to show error by the circuit court in acting consistently with the statutory process requires us to affirm.

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* 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