

**COURT OF APPEALS
DECISION
DATED AND FILED**

June 28, 2007

David R. Schanker
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. 2006AP1122

Cir. Ct. No. 2005CV2007

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

RUVEN G. SEIBERT,

PLAINTIFF-APPELLANT,

v.

**HELEN NELSON, SINIKKA SANTALA, STEVE WATERS, WENDY
NORBERG, DENNIS DOREN, DAVID THORTON AND JAMES YEADON,**

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Dane County:
SARAH B. O'BRIEN, Judge. *Affirmed.*

Before Dykman, Vergeront and Higginbotham, JJ.

¶1 PER CURIAM. Ruven Seibert appeals from an order dismissing his action against various defendants who are, according to the complaint,

administrators of the Department of Health and Family Services or employees at Sand Ridge Secure Treatment Center. We affirm.

¶2 The order on appeal contained two rulings. The first was a denial of what the court construed as Seibert’s motion to compel discovery. The second was a granting of the defendants’ motion for summary judgment. In the course of analyzing the latter motion, the court discerned ten possible claims that Seibert’s complaint contained. It ruled that some of them did not state a claim, and that on the remaining claims the defendants were entitled to summary judgment.

¶3 We first address the discovery issue. In denying the motion to compel, the circuit court separately discussed the defendants’ responses to twenty-one specific requests. It concluded that some of the defendants’ responses were proper or “sufficient for the summary judgment phase,” that the defendants were entitled to a protective order as to certain items, or that Seibert was not “prejudiced” by the defendants’ failure to respond. On appeal, Seibert argues that discovery should have been granted, but he does not clearly address any of the specific grounds the court relied on. More importantly, he does not explain how the answers to any of these discovery requests could have affected the summary judgment decision. Therefore, we conclude that the lack of discovery responses is not a basis to reverse the summary judgment decision.

¶4 In addressing the summary judgment motion, the court declined to consider documents Seibert sent because they were not under cover of affidavit as required by WIS. STAT. § 802.08(3) (2005-06).¹ Seibert appears to argue that he

¹ All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

believed just his signature was good enough, and that the court failed to liberally construe this material. While it is true that pro se pleadings such as complaints are to be liberally construed, Seibert provides us with no authority showing that this rule also changes the requirements for summary judgment materials. We reject the argument.

¶5 Seibert's brief also makes various disorganized arguments relating to the substance of his claims. Summary judgment methodology is well established, and need not be repeated here. *See, e.g., Grams v. Boss*, 97 Wis. 2d 332, 338-39, 294 N.W.2d 473 (1980). On review, we apply the same standard the circuit court is to apply. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 315, 401 N.W.2d 816 (1987).

¶6 Some of his arguments appear to relate to his claim that he was subject to experimental treatment while at Sand Ridge. The circuit court granted summary judgment on that claim based on affidavits from defendants denying that experimental treatment was conducted there during Seibert's residency, and other materials. Seibert's arguments on appeal consist of little more than his own opinions and speculations. None of his arguments show that the defendants failed to establish a prima facie defense, or direct us to any basis in the record from which we could conclude that there is a genuine issue of material fact that would prevent the granting of summary judgment.

¶7 Seibert argues that no agency or committee of the type described in WIS. STAT. § 51.61(4) to review research activities is in place at Sand Ridge. The circuit court granted summary judgment on this claim based on defendant affidavits showing that a board was in place to review research proposals during Seibert's residency. Seibert again gives us no basis to conclude that the

defendants did not establish a prima facie defense or that there is a basis in the record to conclude there is a factual dispute.

¶8 To the extent we have not addressed other arguments in Seibert's brief, we have considered and rejected those that are discernible in the disorganized hail.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

