

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 10, 2009

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. 2008AP2395

Cir. Ct. No. 2008SC16181

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

SANDRA MURRAY,

PLAINTIFF-APPELLANT,

v.

WILCOX WORLD TRAVEL AND TOURS,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Milwaukee County:
WILLIAM SOSNAY, Judge. *Affirmed.*

¶1 KESSLER, J.¹ Sandra Murray, *pro se*, appeals from an order dismissing her small claims case against Wilcox World Travel and Tours (“Wilcox”), which is also proceeding *pro se*. We affirm.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2007-08).

BACKGROUND

¶2 In February 2000, Murray traveled to Israel as part of a church-sponsored tourist trip. Wilcox was the travel company that ran the tour. Murray was supposed to participate in a side trip to Jordan, but she was denied access to Jordan because she did not bring her passport with her. Since that time, Murray has filed three small claims cases in an attempt to be compensated for missing the side trip.

¶3 First, in July 2000, she sued her tour roommate, Anne Platt. The case was dismissed. When Murray attempted to appeal the case over a year later, this court dismissed the appeal for lack of jurisdiction. *See Murray v. Platt*, No. 2001AP2449, unpublished slip op. ¶6 (WI App Mar. 19, 2002).

¶4 Next, in January 2004, Murray sued Wilcox in small claims court. *See Murray v. Wilcox*, No. 2004SC857 (Milwaukee County Cir. Ct). According to entries in the Wisconsin Circuit Court Access (“CCAP”) system, the matter was heard before a court commissioner on March 8, 2004. The case was dismissed based on a finding that the complaint did not plead a cause of action. Murray did not seek review in the circuit court and did not appeal to this court.

¶5 On May 1, 2008, Murray filed the instant action against Wilcox, again seeking compensation for the missed side trip. A hearing was conducted before a court commissioner and the case was dismissed. Murray sought review by the circuit court. The circuit court dismissed the case. According to the notes entered on CCAP, the basis for the dismissal was that “[t]his matter has already been litigated in 04SC857.” This appeal follows.

DISCUSSION

¶6 “Under the doctrine of claim preclusion, ‘a final judgment is conclusive in all subsequent actions between the same parties as to all matters which were litigated or which might have been litigated in the former proceedings.’” *Barber v. Weber*, 2006 WI App 88, ¶20, 292 Wis. 2d 426, 715 N.W.2d 683 (citation omitted). Although no transcript has been provided,² it is undisputed that the circuit court concluded that Murray’s claim was precluded because she previously brought the same claim against Wilcox in Milwaukee County Circuit Court Case No. 2004SC857. As noted, that claim was dismissed and Murray did not seek review of the dismissal.

¶7 Murray offers no discussion of the prior case in her opening or reply briefs, and she does not reply to Wilcox’s argument that her claim is precluded because she brought the same claim before. Rather, both of Murray’s briefs simply reiterate her complaints about the missed trip to Jordan and assert that Wilcox should compensate her. Murray has provided no basis for this court to overturn the circuit court’s dismissal. Therefore, we affirm. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court of appeals need not address arguments that are inadequately developed); *State v. Alexander*, 2005 WI App 231, ¶15, 287 Wis. 2d 645, 706 N.W.2d 191 (“Arguments not refuted are deemed admitted.”).

² The appellant (in this case, Murray) has the responsibility of providing a complete record, and to the extent material is missing, we will assume it supports the circuit court’s ruling. See *State v. Provo*, 2004 WI App 97, ¶19, 272 Wis. 2d 837, 681 N.W.2d 272 (“It is the appellant’s responsibility to ensure completion of the appellate record and ‘when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the trial court’s ruling.’”) (citation omitted).

By the Court.—Order affirmed.

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

