

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 19, 2002

Cornelia G. Clark
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. 01-2449
STATE OF WISCONSIN**

Cir. Ct. No. 00SC20471

**IN COURT OF APPEALS
DISTRICT I**

SANDRA MURRAY,

PLAINTIFF-APPELLANT,

v.

ANNE PLATT,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Milwaukee County:
THOMAS R. COOPER, Judge. *Appeal dismissed.*

¶1 CURLEY, J.¹ Sandra Murray appeals the small claims judgment dismissing her claim for damages from Anne Platt. Because the appeal is untimely, this court dismisses this appeal.

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

I. BACKGROUND.

¶2 Although no transcript has been provided, and the small claims complaint is difficult to read, it appears that Murray is suing Anne Platt, her roommate on a church-sponsored vacation to the Middle East.² Murray complains that, after a lock was broken off one of her suitcases, Platt told her to put her passport in a suitcase, not in her carry-on bag. Consequently, when Murray arrived in Jordan, she had no passport, as she had packed it in a checked bag left at an Israeli hotel. As a result, she was not allowed to enter the country. Murray suggests that Platt may have purposely engineered Murray's failure to bring her passport so that Platt could have a private room in Jordan.

¶3 The judgment roll reflects that Murray filed suit against Platt on July 18, 2000, and, on September 14, 2000, the trial court dismissed her suit after taking testimony.³ Murray filed a motion to reopen on August 1, 2001, which was denied. She then filed this appeal on September 10, 2001.

¶4 Platt has filed a response in which she first contends that the time to appeal from the small claims judgment has run, and Murray's appeal is untimely. Platt cites *Wainwright v. Wainwright*, 176 Wis. 2d 246, 500 N.W.2d 343 (Ct. App. 1993), for her contention that this court no longer has jurisdiction over this matter. She further asserts that the motion to reconsider was improperly brought because she was never served with a notice of the motion. Finally, she also points

² Murray also asked for compensation from a tour guide who, she alleges, failed to remind her to bring her passport. However, the tour guide was not served with a copy of the complaint.

³ The judgment roll contains an incorrect notation for August 1, 2001, stating that Anne Platt was the plaintiff. Upon remand to the court, this mistake should be corrected.

out that both Murray’s motion to reopen and her trial brief have failed to set forth any reasons why the trial court’s ruling was improper. Thus, she asks this court to either dismiss the appeal or affirm the trial court’s decision.

II. ANALYSIS.

¶5 With regard to Platt’s first argument, this court is satisfied that this appeal was not properly commenced as it was brought over a year after the docket entry dismissed the action, well after all the deadlines for filing appeals listed in WIS. STAT. § 808.04.⁴

¶6 Thus, this court has no jurisdiction over this matter and dismisses Murray’s action.

By the Court.—Appeal dismissed.

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

⁴ Moreover, this court observes that a motion to reconsider, to be properly brought, must include evidence that the other side was notified of the request. This was not done here. Further, had this court addressed the issue presented, this court notes that no transcripts have been provided of the trial court’s decision. The appellant has a responsibility to provide this court with transcripts. When the appellant fails to do so, our review is limited to the portions of the record available to us. See *Ryde v. Dane County Dep’t of Soc. Servs.*, 76 Wis. 2d 558, 563, 251 N.W.2d 791 (1977). “[W]hen 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.” *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 27, 496 N.W.2d 226 (Ct. App. 1993). Thus, without a transcript, this court would have been required to presume that the trial court acted properly.

Additionally, from a reading of the complaint and the briefs, this court can discern no legal claim that Murray could possibly have against Platt. Giving bad advice about where to secure your passport, even if done with a sinister motive, is not actionable. Murray’s contention that she has a poor memory did not relieve her of responsibility for her own actions.

