

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 30, 2010

A. John Voelker
Acting 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. 2009AP2681

Cir. Ct. No. 2009CV6628

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

BEN CROSS,

PETITIONER-APPELLANT,

v.

**MILWAUKEE MUNICIPAL COURT,
MILWAUKEE MUNICIPAL COURT CLERK,
CITY OF MILWAUKEE,
MILWAUKEE CITY ATTORNEY AND
MILWAUKEE DEPARTMENT OF PUBLIC WORKS,**

RESPONDENTS-RESPONDENTS.

APPEAL from an order of the circuit court for Milwaukee County:
MAXINE A. WHITE, Judge. *Affirmed.*

Before Curley, P.J., Fine and Kessler, JJ.

¶1 PER CURIAM. Ben Cross takes issue with parking tickets he received from the City of Milwaukee between July and October 2008. He filed a

petition for writ of *mandamus* against the City, the Milwaukee Municipal Court, the Milwaukee Municipal Court Clerk, the Milwaukee City Attorney and the Milwaukee Department of Public Works, seeking an order compelling the respondents to print the parking tickets in Spanish and to inform parking ticket recipients of the right to a jury trial to contest the tickets. The circuit court denied the petition. We affirm.

¶2 “Mandamus is an extraordinary writ issued in the discretion of the circuit court to compel compliance with a plain legal duty.” *Mount Horeb Comty. Alert v. Village Bd.*, 2003 WI 100, ¶9, 263 Wis. 2d 544, 665 N.W.2d 229. A person seeking a writ of *mandamus* must show that all of the following criteria are met: (1) he or she has a clear legal right to relief; (2) the duty sought to be enforced is positive and plain; (3) he or she will be substantially damaged by nonperformance of the duty; and (4) there is no adequate legal remedy for the threatened injury. *Vretenar v. Hebron*, 144 Wis. 2d 655, 662, 424 N.W.2d 714 (1988). The decision to grant or deny a petition for writ of *mandamus* is committed to the circuit court’s discretion and will be affirmed by this court unless the circuit court misuses its discretion. *Law Enforcement Standards Bd. v. Lyndon Station*, 101 Wis. 2d 472, 493, 305 N.W.2d 89 (1981).

¶3 Cross has not met the requirements for *mandamus* because he has not shown that he will suffer substantial damage if the respondents are not compelled to take the actions he seeks. Cross contends that the respondents must be compelled to inform parking ticket recipients of the right to a jury trial to contest the tickets because otherwise he is being forced “to respond to statutorily deficient citations.” Cross’s stark allegation that the respondents have violated the statutes is insufficient to establish substantial damage for purposes of *mandamus* because Cross has not shown how the alleged statutory violations impact him

personally. Cross also contends that the respondents must be compelled to print the parking tickets in Spanish because he is harmed if Milwaukee has an image as a racist city. Again, this alleged harm does not rise to the level of “substantial” as it pertains personally to Cross. The circuit court properly exercised its discretion in concluding that Cross had not shown that he will suffer substantial harm unless the writ is issued.

¶4 Cross’s petition for writ of *mandamus* was properly denied for a number of reasons, but we address only one. If a decision on one point disposes of an appeal, we need not address the other issues presented. *See Turner v. Taylor*, 2003 WI App 256, ¶1 n.1, 268 Wis. 2d 628, 673 N.W.2d 716.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5. (2007-08).

