

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 29, 2011

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. 2010AP134

Cir. Ct. No. 2008CV201

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

ROCK N' ROLL TO GO PLUS!, INC.

PLAINTIFF-RESPONDENT,

V.

BRIDGET A. SORENSON,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Eau Claire County: BENJAMIN D. PROCTOR, Judge. *Affirmed.*

Before Hoover, P.J., Peterson and Brunner, JJ.

¶1 PER CURIAM. Bridget Sorenson, pro se, appeals a money judgment in favor her former employer, Rock n' Roll To Go Plus!, Inc. Sorenson challenges the amount of damages awarded by the circuit court. Because

Sorenson did not provide this court with a transcript of the trial, she cannot prevail on appeal. Therefore, we affirm.

¶2 Sorenson worked for Rock n' Roll. It is undisputed she stole money from Rock n' Roll during her employment. The circuit court found that Sorenson had taken \$165,142.94. The circuit court awarded investigation costs, actual attorney fees, and double damages under WIS. STAT. § 895.446(3)(b) and (c) (2009-10).¹ After the addition of interest and other recoverable costs, the total judgment awarded to Rock n' Roll was \$389,577.39.

¶3 Sorenson admits converting Rock n' Roll funds, but she disputes the amount taken. Sorenson argues that Rock n' Roll did not present evidence to support its claim of payroll theft, which appears to involve Sorenson being paid for more hours than she actually worked. She also claims that Rock n' Roll did not prove various amounts that it believed were stolen; that Rock n' Roll did nothing to stop her from taking the money even though a previous employee had also stolen from the company; and that the president of Rock n' Roll contributed to Rock n' Roll's financial problems.

¶4 The appellate record contains the pleadings, pretrial motion papers, the parties' posttrial briefs, twenty-three trial exhibits, and a transcript of the circuit court's oral ruling. The record does not contain a transcript of the two-day trial to the court at which Sorenson and Mark Studinski, Rock n' Roll's president, testified.

¹ All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

¶5 To address a challenge to the sufficiency of the evidence, this court needs a complete record. *See Peissig v. Wisconsin Gas Co.*, 155 Wis. 2d 686, 702-03, 456 N.W.2d 348 (1990) (“The standard of review for sufficiency of evidence requires a reviewing court to examine the record for any credible evidence” to support the trier of fact’s findings.). Sorenson has the burden to ensure that the record is sufficient to address the issues raised on appeal. *See Lee v. LIRC*, 202 Wis. 2d 558, 560 n.1, 550 N.W.2d 449 (Ct. App. 1996). “[I]n the absence of a transcript, we presume that every fact essential to sustain the circuit court’s decision is supported by the record.” *Butcher v. Ameritech Corp.*, 2007 WI App 5, ¶35, 298 Wis. 2d 468, 727 N.W.2d 546 (citation omitted).

¶6 All of Sorenson’s arguments hinge on what was said at trial. Without the trial testimony, the exhibits are simply a three-inch high stack of financial and other documents devoid of meaning or explanation. Because attorney argument is not evidence, Sorenson’s frequent citation to the parties’ briefs does not fill the void. *See WIS JI—CRIMINAL 160* (2009). Without the trial transcript, this court cannot consider Sorenson’s contentions that the damage award was clearly erroneous and that the award of double damages under WIS. STAT. § 895.446(3) was improper. The judgment must be affirmed.

By the Court.—Judgment affirmed.

This opinion will not be published. *See WIS. STAT. RULE 809.23(1)(b)5.* (2009-10).

