

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

August 1, 1995

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-0416

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT I

JUDY HAGNER,

Plaintiff-Appellant,

v.

WISCONSIN STATE (ATTORNEY GENERAL),

Defendant-Respondent.

APPEAL from an order of the circuit court for Milwaukee County:
MICHAEL J. BARRON, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Schudson, JJ.

PER CURIAM. Judy Hagner appeals, *pro se*, from an order granting summary judgment in favor of the State of Wisconsin and dismissing her complaint, which sought to enforce judgments against the State and DILHR in the amount of \$2,527,398.15. Hagner demands that the trial court's order be immediately reversed. Because the record does not contain any evidence of a valid judgment on which Hagner based her complaint, we affirm.

I. BACKGROUND

In April 1994, Hagner filed a complaint “to enforce judgements against the State of WI.[,] DILHR, Unemployment Agency for \$2,527,398.15 plus interest and penalties.” She did not attach a copy of the alleged judgments to her complaint, nor did she identify the judgments by date, court or judge. In November 1994, the State served Hagner with interrogatories and a request for production of documents seeking to discover the alleged judgments. Hagner did not respond. In January 1995, the State moved for summary judgment, seeking dismissal of the complaint on the basis that it failed to state a claim because the alleged judgments were never produced. On February 13, 1995, the trial court granted the motion and dismissed Hagner's complaint. She now appeals.

II. DISCUSSION

In reviewing a grant of summary judgment, we employ that same methodology as the trial court. *Green Spring Farms v. Kersten*, 136 Wis.2d 304, 315, 401 N.W.2d 816, 820 (1987). This methodology has been repeated so often, we decline to restate it here. *See id.* Essentially, if the moving party proves that there are no genuine issues of material fact, the trial court's grant of summary judgment will be affirmed by this court. *Wright v. Hasley*, 86 Wis.2d 572, 579, 273 N.W.2d 319, 322-23 (1979).

This case was brought to enforce a monetary judgment for \$2,527,398.15, which Hagner claims to have against the State and DILHR. However, there is no such judgment. Hagner never produced the judgment or identified it by any other means. Without a judgment on which to base her claim, no claim exists. It logically follows that if no claim exists, there cannot be any disputed issues of material fact. Therefore, we affirm the order of the trial court.¹

¹ Our review of the appellant's brief/appendix and the record in this case leaves us disturbed. The record contains two documents *not signed by the trial court*, drafted by Hagner, entitled: “Order for Summary Judgment” and “Notice of Entry of Summary Judgment plus Interest and

By the Court. – Order affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.

(..continued)

Penalties.” As drafted, these documents purport to grant judgment in favor of Hagner. As noted, however, the documents within the *record* itself are not signed by the trial court. Hagner's appendix contains these identical two documents, with one difference—the appendix copies contain the trial court's signature. The implications of this scenario are quite disturbing. Nevertheless, we are bound by the contents of the record alone and will not consider any documents submitted in an appendix that are not contained in the record. See *Jenkins v. Sabourin*, 104 Wis.2d 309, 313-14, 311 N.W.2d 600, 603 (1981).