

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

February 20, 1996

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. 95-1036

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

LEADERTECH SYSTEMS OF CHICAGO, INC.,

Plaintiff-Respondent,

v.

WALTER CHESSER,

Defendant-Appellant.

APPEAL from an order of the circuit court for Milwaukee County:
FRANK T. CRIVELLO, Judge. *Affirmed.*

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

PER CURIAM. Walter Chesser, *pro se*, appeals from the trial court's order denying his motion to set aside the judgment entered in favor of Leadertech Systems of Chicago, Inc., and his motion for reconsideration. On appeal, Chesser argues that the trial court lacked personal jurisdiction. We affirm.

Leadertech, an Illinois corporation, sells computer components. Chesser, a resident of Milwaukee, Wisconsin, sells computers. During June, 1993, Chesser ordered and received computer components from Leadertech. The payment terms were that upon receipt of the components, Chesser would issue a check payable to Leadertech for the components. Leadertech, however, never received payment from Chesser for any of the computer components shipped to Chesser. Subsequently, Leadertech sued Chesser for \$5,623.53, the value of the shipments. The trial court ordered judgment in favor of Leadertech for \$5,623.53 plus attorney's fees of \$1,000 and statutory costs. Chesser filed motions for reconsideration and to set aside the verdict, which were denied by the trial court.

Section 801.05(1)(a) and (b), STATS., provides that a court has jurisdiction over a "defendant who when the action is commenced: (a) [i]s a natural person present within this state when served; or (b) [i]s a natural person domiciled within this state..." The trial court determined that: "[i]n this case, the defendant clearly is venued in this county, and a series of business transactions as plead occurred between the defendant and a foreign corporation." Traditionally, the primary foundation upon which personal jurisdiction rests is the physical presence of the defendant in the state where the suit is brought. *Oxmans' Erwin Meat Co. v. Blacketer*, 86 Wis.2d 683, 687, 273 N.W.2d 285, 286 (1979). The record is clear that not only was Chesser domiciled in Milwaukee, Wisconsin, but that he was also served at his home in Milwaukee. Therefore, the trial court properly determined that it had personal jurisdiction.

Chesser also argues that certain language on the Leadertech invoices deprives Wisconsin of jurisdiction because the invoices provide that any legal action brought on an invoice "shall be governed by the laws of Illinois." This does not deprive Wisconsin of personal jurisdiction, and Chesser does not provide this court with any authority to the contrary. Further, contrary to Chesser's final argument, trying this matter in Wisconsin is not contrary to the principles of due process. Due process protects a nonresident defendant against litigating in an inconvenient forum. See *International Shoe Co. v. Washington*, 326 U.S. 310, 66 S. Ct. 154, 90 L.Ed.2d 95 (1945). As noted, Chesser was a resident of Wisconsin at all relevant times. This case does not raise any due process concerns.

By the Court. – Order affirmed.

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