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**DISTRICT II**

July 23, 2014

To:

Hon. James R. Kieffer  
Circuit Court Judge  
Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Kathleen A. Madden  
Clerk of Circuit Court  
Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Sandra Baumgartner  
P.O. Box 5325  
Elm Grove, WI 53122

Nikki Lee  
3131 Trillium Ln.  
Oxford, MI 48371

You are hereby notified that the Court has entered the following opinion and order:

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2013AP1757

Nikki Lee v. Sandra Baumgartner (L.C. # 2012CV3195)

Before Brown, C.J., Neubauer, P.J., and Gundrum, J.

Sandra Baumgartner appeals pro se from a circuit court judgment awarding Nikki Lee \$10,000 plus costs after a jury determined that she converted property belonging to Lee. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2011-12).<sup>1</sup> Because Baumgartner's brief is not adequate for appellate review, we affirm.

Baumgartner's appellant's brief does not comply with WIS. STAT. RULE 809.19(1). The appellant's brief does not cite to the record as required by RULE 809.19(1)(d) and (e). The

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

appellant's brief contains only a few citations to its own appendix. Citations to the appendix do not conform to the rules of appellate procedure because they do not inform the court where the facts a litigant asserts may be found in the record. See *Forman v. McPherson*, 2004 WI App 145, ¶6 n.4, 275 Wis. 2d 604, 685 N.W.2d 603. We will not rummage through the record to locate facts supporting a litigant's contentions. *State v. Krieger*, 163 Wis. 2d 241, 254, 471 N.W.2d 599 (Ct. App. 1991).

The appellant's brief also does not discuss the applicable law as required by WIS. STAT. RULE 809.19(1)(e) and does not develop sufficient legal arguments. We will not independently develop a litigant's arguments. *Vesely v. Security First Nat'l Bank*, 128 Wis. 2d 246, 255 n.5, 381 N.W.2d 593 (Ct. App. 1985).

The Rules of Appellate Procedure are designed to compel an appellant to focus an appellate court's attention on the issues of fact and law that the appellant contends were mistakenly decided by the circuit court. Compliance with the rules is required because a high-volume intermediate appellate court is an error-correcting court that cannot take time either to sift the record for facts that might support an appellant's contentions, *Keplin v. Hardware Mut. Cas. Co.*, 24 Wis. 2d 319, 324, 129 N.W.2d 321 (1964), or independently develop a litigant's arguments, *Vesely*, 128 Wis. 2d at 255 n.5.

Even if the appellant's brief were sufficient, we could not review the challenged circuit court rulings because the record does not contain all necessary transcripts, including transcripts

setting forth the challenged circuit court rulings.<sup>2</sup> It was Baumgartner's responsibility to insure that materials germane to the appeal were included in the record on appeal. *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993).

When an appeal is brought upon an incomplete record, we will assume that every fact essential to sustain the circuit court's decision is supported by the record. *Suburban State Bank v. Squires*, 145 Wis. 2d 445, 451, 427 N.W.2d 393 (Ct. App. 1988). We affirm the circuit court.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*

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<sup>2</sup> The transcripts in the record only include testimony. We will not embark on our own search of those transcripts, unguided by references, to locate the challenged circuit court rulings, assuming those rulings even appear in the transcripts. *Mogged v. Mogged*, 2000 WI App 39, ¶19, 233 Wis. 2d 90, 607 N.W.2d 662.

We also decline to rely upon the circuit court docket entries for a description of the various proceedings and rulings Baumgartner challenges.