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DISTRICT IV

December 19, 2014

To:

Hon. Shelley J. Gaylord
Circuit Court Judge
215 South Hamilton, Br 6, Rm 5105
Madison, WI 53703

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Maurice Fitzpatrick

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

2013AP2224

Katherine M. Acker v. Maurice Fitzpatrick (L.C. # 2013CV2856)

Before Lundsten, Sherman and Kloppenburg, JJ.

Maurice Fitzpatrick appeals from a domestic abuse injunction. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ We affirm.

Fitzpatrick first argues that the court commissioner erred by granting the temporary restraining order. He asks us to reverse that order. This issue appears to be moot because such a ruling by us would have no practical effect. The temporary order has been replaced by the four-year injunction entered later by the court. Fitzpatrick does not explain how reversing the temporary order would have a practical effect.

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

Fitzpatrick also argues that the court erred in granting the four-year injunction because the court set a time for a hearing on the petition even though the petitioner Katherine Acker did not check the box asking for a hearing, and because Acker's petition did not clearly specify the particular relief she sought in the injunction. In response, Acker points out that the record does not show that Fitzpatrick raised either of these issues at the time in circuit court. If any such objection was made at the injunction hearing, we do not know it because Fitzpatrick did not obtain a transcript of that hearing, and the court minutes do not show that any such objections were made.

We will not address issues that are raised for the first time on appeal. *Wirth v. Ehly*, 93 Wis. 2d 433, 443-44, 287 N.W.2d 140 (1980), *superseded on other grounds by* WIS. STAT. § 895.52. This rule exists to encourage parties to first make their objections in circuit court, at a time when the circuit court or the opposing party can correct the error. We see no reason to deviate from that rule in this case.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals