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March 18, 2015

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

2014AP206

Jason L. Edmonson v. Heather Mathis (L.C. # 2010CV1330)

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

Jason L. Edmonson appeals pro se from a judgment dismissing his claims in a wrongful death action. Based on 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 (2013-14).¹ We affirm the judgment of the circuit court.

¹ All references to the Wisconsin Statutes are to the 2013-14 version.

Edmonson commenced an action for the wrongful death of a six-month old child. Although Edmonson alleged that he was the child's father, paternity had never been established. Consequently, one of the defendants challenged his standing to pursue his claims.

The matter proceeded to a court trial where Edmonson was required to establish that he was the child's father. Ultimately, the circuit court concluded that Edmonson had not met his burden and entered a judgment dismissing his claims. This appeal follows.

On appeal, Edmonson challenges the circuit court's dismissal of his claims. The judgment indicates that the court ruled against Edmonson "for the reasons stated on the record." Unfortunately, we are unable to discern what those reasons are, as the record does not include a transcript of the court trial.²

As the appellant, Edmonson was responsible for ensuring that the record is complete on appeal. *State ex rel. Darby v. Litscher*, 2002 WI App 258, ¶5 n. 4, 258 Wis. 2d 270, 653 N.W.2d 160. When the record is incomplete, we must assume that the missing material supports the circuit court's ruling. *Id.* Given the state of the record in this case, we cannot say that the circuit court erred in dismissing Edmonson's claims.³

Upon the foregoing reasons,

² The record also does not include a transcript of an earlier motion hearing that Edmonson complains about which addressed his ability to amend his pleadings.

³ To the extent we have not addressed an argument raised by Edmonson on appeal, the argument is deemed rejected. *See State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978) ("An appellate court is not a performing bear, required to dance to each and every tune played on an appeal.").

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

Diane M. Fremgen
Clerk of Court of Appeals