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DISTRICT II

August 19, 2020

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

2019AP442

Maria L. Peterson v. PDQ Food Stores, Inc. (L.C. #2012CV99)

Before Reilly, P.J., Gundrum and Davis, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Maria L. Peterson and Dennis L. Peterson appeal pro se from a circuit court order denying their petition seeking leave to commence an action relating to Kenosha County real estate in which they have long asserted an ownership interest. 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 (2017-18).¹ We affirm because the appellate record is inadequate for review.

We recite only the background necessary to decide this appeal. In *Peterson v. PDQ Food Stores, Inc.*, No. 2007AP348, unpublished op. and order (WI App July 2, 2008), we held that the Petersons conveyed Kenosha County property to PDQ Food Stores in 1997 and no longer had an ownership interest in it. *Id.* at 4. In August 2012, a Kenosha County circuit court permanently enjoined the Petersons from filing any action in a Wisconsin court “arising ... from their status as prior owners of real estate located in Kenosha County, Wisconsin without first having obtained leave of Court.”

In October 2018, the Petersons sought leave to commence the action now before this court. After a January 25, 2019 circuit court hearing, the circuit court denied the Petersons’ request to commence the action “for the reasons set forth on the record” at the hearing. The Petersons appeal.

Whether to grant relief from the injunction against the Petersons was within the circuit court’s discretion. *See Condura Const. Co. v. Milwaukee Bldg. & Const. Trades Council*, 8 Wis. 2d 541, 546, 99 N.W.2d 751 (1959). We review for a misuse of discretion. *Id.*

The record on appeal does not contain a transcript of the January 25 hearing at which the circuit court stated its reasons for denying the Petersons’ request for leave to commence this action. It is the Petersons’ responsibility to insure that the record is sufficient for appellate

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

review. See *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993). We assume that the missing transcript supports the circuit court's decision to deny the Petersons' request to commence this action. See *id.* at 27. We do not reach any of the Petersons' appellate arguments. The circuit court's order is affirmed.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals