



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

December 17, 2020

To:

Hon. Peter Anderson  
Circuit Court Judge  
Br. 17, Rm. 6103  
215 S. Hamilton St.  
Madison, WI 53703

Linda K. Monroe  
Monroe Law Office  
10 Maple Wood Lane #8  
Madison, WI 53704-3903

Carlo Esqueda  
Clerk of Circuit Court  
Dane County Courthouse  
215 S. Hamilton St., Rm. 1000  
Madison, WI 53703

Roman Jozef Zrotowski  
801 Foxglove Rd.  
Wausau, WI 54401

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

---

2019AP1986

May Shaw v. Todd Chojnowski (L.C. # 2017CV427)

Before Blanchard, Kloppenburg, and Graham, 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).**

May Shaw and Roman Zrotowski (collectively “Shaw”) appeal an order denying Shaw’s motion for reconsideration of the circuit court’s judgment. 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(1).<sup>1</sup> We affirm. Additionally, we grant respondent Todd Chojnowski’s

---

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

motion for sanctions for a frivolous appeal, and we remand to the circuit court to determine the sanctions amount.

The details of the parties' underlying landlord-tenant dispute are not relevant to our analysis. It suffices to say that the parties litigated numerous issues in a multi-day trial, resulting in the circuit court's August 6, 2019 judgment.

In denying Shaw's motion for reconsideration of the judgment, the circuit court concluded that the motion was untimely because it was filed twenty-one days after the judgment. The court stated that, under WIS. STAT. § 805.17(3), the deadline to file the motion was no later than twenty days after entry of the judgment. The court further stated that, under WIS. STAT. § 801.15(2)(c), the deadline could not be enlarged.

On appeal, Shaw appears to acknowledge that we do not have jurisdiction to review any of the issues in the circuit court's August 6, 2019 judgment. The issues that Shaw advances on appeal are limited to the order denying her motion for reconsideration.

We affirm the circuit court's order denying Shaw's motion because Shaw fails to make any developed argument addressing the untimeliness ground upon which the circuit court denied her motion. Shaw asserts that she timely filed documents in support of her motion, including a brief, within the twenty-day deadline. However, Shaw does not show that she filed a motion or notice of motion within that deadline. Additionally, Shaw does not develop any argument or cite any legal authority to show that the filing of supporting documents within the twenty-day deadline is sufficient. Further, Shaw makes no other argument showing that the circuit court erred in its application of the twenty-day deadline.

We note that, even if we were to reach the issues that Shaw seeks to raise on appeal, it is unlikely that we would resolve most if not all of those issues in her favor because Shaw has not ensured that the record contains transcripts of the circuit court proceedings. “It is the appellant’s responsibility to ensure completion of the appellate record[,] and ‘when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the trial court’s ruling.’” *State v. McAttee*, 2001 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774 (quoted source omitted).

We turn to Chojnowski’s motion for sanctions for a frivolous appeal. As relevant here, an appeal is frivolous if “[t]he party or the party’s attorney knew, or should have known, that the appeal ... was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.” *See* WIS. STAT. RULE 809.25(3)(c)2. “Whether an appeal is frivolous is a question of law.” *Schapiro v. Pokos*, 2011 WI App 97, ¶20, 334 Wis. 2d 694, 802 N.W.2d 204 (quoted source omitted).

Chojnowski argues that Shaw’s appeal is frivolous because, among other reasons, Shaw has failed to attempt any refutation of the circuit court’s basis for denying her motion, and because Shaw has not sought any extension, modification, or reversal of the applicable law. We agree that Shaw’s appeal is frivolous for this reason. Shaw has all but ignored the sole basis upon which the circuit court denied her motion. Accordingly, we grant Chojnowski’s motion for sanctions. We remand to the circuit court to determine the appropriate amount of “costs, fees, and reasonable attorney fees.” *See* WIS. STAT. RULE 809.25(3)(a).

Therefore,

IT IS ORDERED that the circuit court's order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that the motion for sanctions is granted, and that the cause is remanded for the circuit court to determine costs, fees, and reasonable attorney fees.

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

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*