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DISTRICT II

January 27, 2021

To:

Hon. Ralph M. Ramirez
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

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Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Lois Goodwin
720 Jefferson St., #9
Mukwonago, WI 53149

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

2019AP1322

Lois Goodwin v. Capital Nails (L.C. #2018CV1145)

Before Neubauer, C.J., Reilly, P.J., and Davis, J.

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).

Lois Goodwin appeals from an order awarding her \$650 as compensation for a personal injury sustained at the nail salon of Defendant-Respondent Capital Nails. 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.

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

Alleging that a Capital Nails employee injured Goodwin's left toe during a pedicure, Goodwin sued Capital Nails and its insurer for past and future medical expenses and past and future pain and suffering in Waukesha County Circuit Court case No. 2017CV1127. The defendants moved to dismiss based on Goodwin's failure to name witnesses and produce medical bills. The court dismissed with prejudice the claims for past and future medical expenses and future pain and suffering, and dismissed without prejudice Goodwin's claim for past pain and suffering. Goodwin did not appeal that order. Goodwin did, however, refile her claim for past pain and suffering, in case No. 2018CV1145. Following a bench trial, the court awarded Goodwin \$650 in damages. Judgment for that amount was entered, and Goodwin appealed.

On appeal, Goodwin argues that the trial court should have considered her "ongoing medical issues related to this injury" and that "[t]he original case ... should have included more than pain and suffering and not be dismissed." These arguments relate solely to the claims dismissed in the previous lawsuit, but we have no jurisdiction to review that judgment as part of Goodwin's present appeal. *See* WIS. STAT. RULE 809.10(1)(e) ("The filing of a timely notice of appeal is necessary to give the court jurisdiction over the appeal."); *Regling v. Schultz*, 264 Wis. 600, 602, 60 N.W.2d 356 (1953) (appellate court has no jurisdiction to review orders entered in a separate action). Accordingly, Goodwin has both abandoned and forfeited any argument relating to the trial court's failure to award damages for future expenses and past medical bills. *See A.O. Smith Corp. v. Allstate Ins. Cos.*, 222 Wis. 2d 475, 491, 588 N.W.2d 285 (Ct. App. 1998); *State v. Huebner*, 2000 WI 59, ¶¶10-11 & n.2, 235 Wis. 2d 486, 611 N.W.2d 727.

Goodwin does not make a stand-alone argument as to why the trial court was clearly erroneous in awarding \$650 for past pain and suffering, *see* WIS. STAT. § 805.17(2), and from our review of the record, we see no obvious error.

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