

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

CUONG TRANLA AND KHAI TRANLA,)	DIVISION ONE
husband and wife and the marital)	
community thereof,)	
)	
Appellants,)	No. 65197-8-I
)	
v.)	
)	
AMADOR ZAMORA and JANE DOE)	UNPUBLISHED OPINION
ZAMORA, and the marital community)	
thereof and AMADOR ZAMORA d/b/a,)	
ATOMIC CONSTRUCTION,)	
)	
Respondents,)	
)	
AMERICA CONTRACTORS)	
INDEMNITY CO., BOND NO.)	
1000025004,)	
)	
Defendant.)	
)	FILED: July 18, 2011
)	

Dwyer, C.J. — On appeal, the appellant bears the burden of providing an adequate record for our review. Where the appellant fails to provide such a record, the decision of the trial court stands. The appellants herein failed to provide us with the trial court’s findings of fact and conclusions of law, upon

which their assignments of error rely. Accordingly, we affirm.

I

Cuong and Khai Tranla sued Amador Zamora and Atomic Construction (Zamora) for breach of a construction contract. Zamora counterclaimed. Following a two-day bench trial, the trial court dismissed the Tranlas' claims and awarded damages to Zamora.

The Tranlas appeal.

II

For over a century, the rule has been that we will not review an appellant's assignments of error where the appellant has failed to provide us with an adequate record of the proceedings below. Yatsuyanagi v. Shimamura, 57 Wash. 42, 42-43, 106 P. 503 (1910); see also Cowlitz Stud Co. v. Clevenger, 157 Wn.2d 569, 573-74, 141 P.3d 1 (2006) (declining to rule on an issue where the petitioners failed to provide an adequate record for review). The appellants have the burden of filing with the appellate court clerk a designation of clerk's papers, which must include "any written order or ruling not attached to the notice of appeal, of which a party seeks review." RAP 9.6(a), (b)(1)(C).

Here, the Tranlas have failed to satisfy their burden to provide us with the trial court's findings of fact and conclusions of law, upon which all of their assignments of error rely. See RAP 9.6(a), (b)(1)(C).

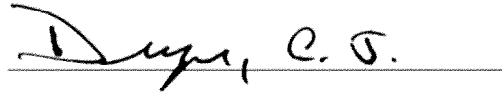
In their brief they state that findings of fact were made and entered by the trial judge, but we find no findings in the record, nor are we able to determine that there were any exceptions thereto if such

findings were made. . . . On this record we are unable to find that any issue is before us for consideration.

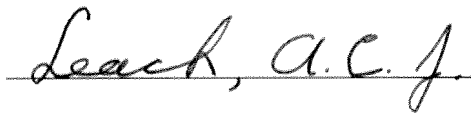
Yatsuyanaqi, 57 Wash. at 42-43.

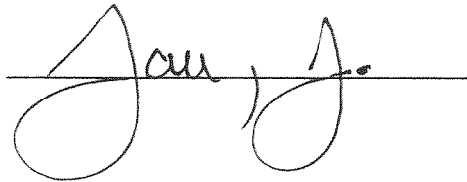
Because the record before us is inadequate to review the alleged errors, the trial court's decision must stand. See Story v. Shelter Bay Co., 52 Wn. App. 334, 345, 760 P.2d 368 (1988).

Affirmed.¹

Handwritten signature of Dwyer, C. S. on a horizontal line.

We concur:

Handwritten signature of Leach, a.c.j. on a horizontal line.

Handwritten signature of Jones, J. on a horizontal line.

¹ Zamora requests attorney fees on appeal pursuant to RAP 18.9(a), which permits us to award compensatory damages to a party who has been harmed by another party's failure to comply with the rules of appellate procedure. Because Zamora does not adequately demonstrate how he was harmed by the Tranlas' failure to comply with the rules, we decline to make such an award.

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