

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 2, 2003

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 03-0927
STATE OF WISCONSIN**

Cir. Ct. No. 01SC029982

**IN COURT OF APPEALS
DISTRICT I**

**PETERSON, JOHNSON &
MURRAY, S.C.,**

PLAINTIFF-RESPONDENT,

V.

ANNE GERARD,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: TIMOTHY G. DUGAN, Judge. *Dismissed.*

¶1 SCHUDSON, J.¹ Anne Gerard appeals, pro se, from a small claims default judgment entered in favor of Peterson, Johnson & Murray, S.C. After

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2001-02). All references to the Wisconsin Statutes are to the 2001-02 version unless otherwise noted.

reviewing the briefs and the record, this court concludes that the appeal must be dismissed.

¶2 On October 2, 2001, Peterson, Johnson & Murray, S.C., filed a small claims summons and complaint against Gerard for legal fees. Following the small claims hearing, the court commissioner ruled in favor of the law firm and advised Gerard of her right to demand a trial before the circuit court. *See* WIS. STAT. § 799.207(2)(b). Prior to the entry of the court commissioner’s judgment, Gerard moved for a jury trial. After several motion hearings before the circuit court, the case was adjourned until January 6, 2003 for a jury trial. On January 6, Gerard failed to appear; the circuit court adjourned the matter until January 31, 2003. When Gerard failed to appear on January 31, the court granted a default judgment for \$1773, plus costs, in favor of the law firm.

¶3 Following the entry of the default judgment, Gerard did not move to reopen. Instead, she filed her notice of appeal to this court from the default judgment. WISCONSIN STAT. § 799.29, however, bars an appeal from a small claims default judgment. Section 799.29(1) provides that “[t]here shall be no appeal from default judgments” entered in proceedings brought under WIS. STAT. chapter 799. This court has previously held that, while a party may appeal from a denial of a petition to reopen a judgment, a direct appeal from a default judgment in a small claims action is prohibited. *See General Tel. Co. v. A Corp.*, 147 Wis. 2d 461, 464-66, 433 N.W.2d 264 (Ct. App. 1988). Because this court does not have jurisdiction to review a small claims default judgment, the appeal must be dismissed. *See id.*

By the Court.—Appeal dismissed.

This opinion will not be published. *See* WIS. STAT. RULE
809.23(1)(b)4.

