Filed 5/25/00 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2000 ND 100

David Bublitz d.b.a.
DC Marketing, Plaintiff and Appellee

v.

Abies Tsang d.b.a.
Purple Rooster, Defendant and Appellant

No. 990313

Appeal from the District Court of Cass County, East Central Judicial District, the Honorable Ralph R. Erickson, Judge.

AFFIRMED.

Per Curiam.

Dennis W. Lindquist, P.O. Box 490, Mandan, N.D. 58554-0490, for plaintiff and appellee.

Abies Tsang, pro se, 4820 E. Second Street, Benicia, CA 94510, defendant and appellant.

Bublitz v. Tsang
No. 990313

Per Curiam.

[¶1] Abies Tsang, acting pro se, appeals from a judgment of the East Central Judicial District Court against him and in favor of David Bublitz. Tsang argues, among other things, that the district court erred in finding he submitted to the court's jurisdiction.

[¶2] This Court has held that the party challenging the findings of fact of a district court has the burden of demonstrating those findings are clearly erroneous. See N.D.R.Civ.P. 52; Rosendahl v. Rosendahl, 470 N.W.2d 230, 231 (N.D. 1991). Rule 10(b), N.D.R.App.P., requires that the appellant provide a transcript of the proceedings on appeal. Sabot v. Fargo Women's Health Org., Inc., 500 N.W.2d 889, 891 (N.D. 1993). "When an appellant raises issues on appeal regarding the findings of fact, it is difficult, if not impossible, for us to discuss the merits of the appeal without a transcript." Rosendahl, at 231 (citing Davis v. Davis, 448 N.W.2d 619, 620 (N.D. 1989)). If the record does not allow for a meaningful and intelligent review of alleged error, we will decline to review the issue. Buzick v. Buzick, 533 N.W.2d 676, 677 (N.D. 1995); Cullen v. Williams County, 446 N.W.2d 250, 253 (N.D. 1989).

[¶3] The rules of procedure are not to be applied differently merely because a party is acting pro se. Rosendahl, 470 N.W.2d at 231 (citing Davis, 448 N.W.2d at 620). By failing to submit a transcript of the district court proceedings, Tsang has not met his burden of showing that the district court's findings of fact are clearly erroneous. Rosendahl, 470 N.W.2d at 231.

[¶4] Because Tsang included materials in his brief that were not part of the district court's record, we award Bublitz double costs on appeal. See N.D.R.App.P. 13, 28, 30; Estate of Wieland, 1998 ND 130, ¶ 22 n.3, 581 N.W.2d 140.

[¶5] The judgment of the district court is affirmed under N.D.R.App.P. 35.1(a)(1) and (2).

[¶6] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Carol Ronning Kapsner