

24-6665

CASE NUMBER :

ORIGINAL

**IN THE UNITED STATES
SUPREME COURT**

Supreme Court, U.S.
FILED

DEC - 9 2024

OFFICE OF THE CLERK

CRAIG STINGLEY

PROSE PETITIONER,

Vs.

VISION WORKS, INC ET.AL

RESPONDENT(S)

**ON PETITION FOR A
WRIT OF CERTIORARI TO**

STATE OF WISCONSIN APPEALS COURT, BIASED REVIEW
STATE OF WI 1ST DIST CIR COURT, ORDERS PROCURED BY FRAUD

PETITION FOR A WRIT OF CERTIORARI

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PETITION QUESTIONS FOR REVIEW

I : Petitioner respectfully asserts that this SCOTUS will recognize these questions expose an “Unconstitutional and Discriminatory” matter of national significance : Does Wisconsin’s Medical Malpractice Non-Economic Damages CAP Law, along with similar laws in 26 other states, violate the 14th Amendment’s State Action Clause by arbitrarily abridging the constitutional right to redress and depriving citizens of equal protection and due process, ultimately forcing individuals to abandon their right to redress or proceed as disadvantaged ProSe Litigants, subsequently imposing an undue burden by making the contingency arrangement financially unviable (*factor known by Defense Counsel*), for personal injury attorneys to provide representation (*see Affidavits pgs. 23-34 in Appendix*), thereby effectively denying medical malpractice tort personal injury victims fair and impartial access to the courts, rendering these laws discriminatory and unconstitutional as-applied and on their face, in violation of 14th Amendment Rights, Privileges and Immunities?

A State Law that forces its citizens to abandon their Constitutional Rights to redress or file a civil lawsuit as a Pro Se Litigant in an effort to preserve their Constitutional Rights to Redress for Wrongs, while creating a disadvantage and undue burden for the citizen constitutes "Abridgment and Deprivation" violation of the 14th Amendment State Action Clause, Rights to Equal Protection and Due Process especially if it eliminates the Contingency Agreement option, available to "Similarly Situated" Tort Personal Injury Victims, to obtain Jurist Legal Counsel as a result of the inadequate compensation allocated by the Medical Malpractice Non-Economic Damages CAP Law, deemed by licensed Personal Injury Attorneys to be insufficient to cover the extensive expenses associated with litigation of complex cases like Medical Malpractice is unconstitutional.

*The 14th Amendment gives everyone a right to Due Process...In **Griffen v. Griffen**, 327 U.S. 220, 66 S. Ct. 556, 90 L. Ed. 635 ; a ProSe Litigant won his case in the Supreme Court who stated...No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of...Due Process of Law; nor deny to any person...Equal Protection of the Laws. " **Kenner v. C.I.R.**, 387 F.3d 689 (1968); 7 Moore's Fed. Practice.*

II : Pursuant to the *14th Amendment to the US Constitution*, which sets forth “*No State Shall Make Or Enforce Any Law Which Shall Abridge The Privileges Or Immunities Of Citizens Of...Due Process Of Law ; Nor Deny To Any Person...Equal Protection Of The Laws*”...Petitioner respectfully asserts that this SCOTUS will recognize that these questions expose an “Unconstitutional and Discriminatory” matter of national significance: Does Wisconsin’s Medical Malpractice Non-Economic Damages CAP Law (*WI§893.55 & WI§655*), along with similar laws in 26 other states, violate the 14th Amendment’s State Action Clause by creating a disadvantaged classification of medical malpractice tort personal injury victims and depriving them of equal protection and due process, alternatively the CAP law, as applied and on its face, arbitrarily limits non-economic damage awards for medical malpractice tort personal injury victims, such as Ascaris Mayo, who was denied the full \$16.5 million jury award for her catastrophic quadriplegic limb loss, and Petitioner, who was denied access to contingency-based legal representation for severe permanent vision loss injuries, in contrast to “similarly situated” motor vehicle accident tort personal injury victims, who face no such restrictions, arbitrarily treating medical malpractice tort personal injury victims differently from motor vehicle accident tort personal injury victims obstructing the right to fair jury awards and access to legal representation, thereby exposing Medical Malpractice Non-Economic Damages CAP Laws as discriminatory and unconstitutional, denying citizens full redress and subjecting this ProSe Petitioner to undue judicial system burdens?

*To show that a statute unconstitutionally denies equal protection of the law, a party must demonstrate that The Statute Treats Members of Similarly Situated Classes Differently *Blake v. Jossart, 2016.WI.57,370.Wis.2d.1,884.N.W.2d.484,12-2578.* (emphasis added)*

III. Does Wisconsin's Medical Malpractice Non-Economic Damages CAP Law (*WI § 893.55 & WI § 655*), as applied, violate the 14th Amendment by depriving Petitioner of the right to legal representation, thereby subjecting Petitioner to an unfair and biased judicial process, alternatively, does the CAP law's elimination of the contingency agreement option (*see Affidavits pgs. 23-34 in Appendix*) to obtain jurist legal counsel and subsequently forcing Petitioner to be a ProSe Litigant, exposed to deliberate bad faith acts by Defendants et.al, obstruction of justice, and judicial misconduct, constitute an undue burden and denial of equal protection and due process of the law?

IV. Did refusal by Defendants' et.al to participate in mandatory pre-filing mediation (*WI § 655.43*), and their fraudulent concealment and deliberate withholding of medical records violation of *WI § 146.83, WI § 146.84, and HIPAA 45 CFR § 164.524*, and their false claims that records were "lost in a flood," (*see Apdx Exbt 7 & 8 Pgs. 19 – 22*) constitute obstruction of justice and a breach of legal duty, directly violating Petitioner's due process rights, alternatively, did these actions, which delayed access to critical evidence and concealed the identity of a treating physician, trigger the five-year statute of repose rule set forth by *Landis v. Physicians Ins. Co., 2001 WI... Commence an Action Before Expiration of Time Limitation in WI § 893.55(1m)(b)(2)* further disadvantaging Petitioner as a compelled ProSe Litigant?

WI § 655.43 Mediation requirement. The claimant and all respondents named in a request for mediation filed under (WI § 655.44 or WI § 655.445) Shall Participate in Mediation under this subchapter.

V. Did the fraudulent concealment and deliberate withholding of Petitioner's medical records lead to acts of fraud upon the court by both Defendants et.al and Judicial Officers, who misrepresented material facts on the record, altered medical exam dates, and improperly dismissed actionable claims, ruling exams as "Too Attenuated" (see *Apdx. Exbt. 4, 5, & 6 Pgs. 12 – 18*), alternatively, did the Court's reliance on false assertions, that "medical records were lost in a flood and destroyed", result in the wrongful dismissal of a key medical provider, in violation of Petitioner's 14th Amendment right to equal protection and due process, coupled with the violative acts and omissions of fraud upon the court, judicial bias, and obstruction of justice, constitute a forfeiture of litigation privileges by Defendants et.al, set forth by *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989)?

As reiterated in *Baker v. Myers Tractor Services, Inc.*, 765 So. 2d 149, (Fla. 1st DCA 2000) : Note that the evidence necessary to support a finding of Fraud On The Court must be "clear and convincing," a higher burden than a mere "preponderance of the evidence." The foregoing blueprint for evaluating fraud on the court has not changed much over the years. What has changed is the increased willingness of trial courts to impose the ultimate sanction of dismissal with prejudice for plaintiffs and defendants, together with the increased willingness of appellate courts to affirm such dismissals pursuant to the applicable "abuse of discretion" standard of review...That Cheaters Should Not Be Allowed To Prosper Has Long Been Central To The Moral Fabric Of Our Society and one of the underpinnings of our legal system. Sanctions, in a wide variety of shapes, attempting to encompass the virtually limitless ways litigants manage to misbehave, have always been part and parcel of our legal system. Dismissal with prejudice has long been available as the ultimate civil sanction against litigation misconduct...The Case Law Should Authorize Plaintiffs and Defendants To Obtain Orders On The Issues Of Liability And Comparative Negligence For The Same Misconduct That Would Result In The Dismissal Of A Action for Plaintiff's and Defendant's. I am not confident that the current case law is subjecting both sides to equal sanctions for equivalent misconduct." *Morgan v. Campbell*, 816 So. 2d 251, 254 (Fla. 2d D.C.A. 2002) (Altenbernd, J. concurring).

Parties Involved in Perpetrating and Perpetuating Fraud Upon The Court

- 1. Defendant :** Vision Works et.al Case No. 2017CV002791
*Deceived, Perpetrated, Perpetuated Fraud On The Court
Initiated By Fraudulent Concealment, Deliberate
Withholding Of Medical Records For (13) Months
(see Case Record for individual entities)*
- 2. Judicial : Officer** Glenn Yamahiro, Judge
Perpetrated Fraud On The Court
1st District of Milwaukee CCC Case No. 2017CV002791
Rm.502 Milwaukee, WI 53403, Milwaukee, Wisconsin
- 3. Judicial : Officer** Jeffrey Conen, Judge
Perpetrated Fraud On The Court
1st District of Milwaukee CCC Case No. 2017CV002791
Milwaukee, WI 53403, Milwaukee, Wisconsin
- 4. Judicial : Officer** Hannah Dugan, Judge
Trespasser, Perpetuating Fraud On The Court
1st District of Milwaukee CCC Case No. 2017CV002791
Rm.402 Milwaukee, WI 53403
- 5. Judicial : Officer** William Sosnay, Judge
Trespasser, Perpetuating Fraud On The Court
1st District of Milwaukee CCC Case No. 2017CV002791
Rm. 401 Milwaukee, WI 53403
- 6. Judicial : Officer** Stephen Driers, Magistrate Judge
Trespasser, Perpetuating Fraud On The Court
Misrepresentation of Material Facts of Case and Complaint
U.S. District Court, Eastern District of Wisconsin
Ct. Rm. 284, 517 E. Wisconsin Ave. Milwaukee, WI 53202
- 7. Judicial : Officer** Joseph P. Stadtmueller, District Judge
Trespasser, Perpetuating Fraud On The Court
Misrepresentation of Material Facts of Case and Complaint
U.S. District Court, Eastern District of Wisconsin
Ct. Rm. 425, 517 E. Wisconsin Ave. Milwaukee, WI 53202
- 8. Court : Officer** David Pliner, Attorney
Deceived, Perpetrated, Perpetuated Fraud On The Court
Corneille Law Group Defense Counsel, Case No. 2017CV002791
7618 Westward Way, Suite 100
Madison, Wisconsin 53717
- 9. Court : Officer** John Healy, Attorney
Deceived, Perpetrated, Perpetuated Fraud On The Court
Corneille Law Group Defense Counsel, Case No. 2017CV002791
7618 Westward Way, Suite 100
Madison, Wisconsin 53717

PETITION'S RELATED CASES

Petitioner shows the Court "Similarly Situated N.E.D. CAP Violations".

*I. Ascaris Mayo suffered "Catastrophic Quadruple Limb Loss Injuries" as a Medical Malpractice Negligence Tort Personal Injury Victim". In contrast had "Mayo" been a Motor Vehicle Accident Tort Personal Injury Victim, the **\$16.5 million** jury award she received would not have been reversed by an Unconstitutional Non-Economic Damages CAP Law in Wisconsin, or the **twenty-six (26)** other States still imposing these penalizing and archaic Laws. Petitioner shows the Court an irrefutable Discriminatory, Unconstitutional Medical Malpractice Non-Economic Damages CAP Law, that **"Arbitrarily Treats Similarly Situated Tort Personal Injury Victims Differently"** as evidenced by the violation of Mayo's **14th Amendment Equal Protection Rights, "As Applied"** (see *Affidavits pgs. 23-34 in Appendix*).*

*To show that a statute unconstitutionally denies equal protection of the law, a party must demonstrate that The Statute Treats Members of Similarly Situated Classes Differently *Blake v. Jossart, 2016.WI.57,370.Wis.2d.1,884.N.W.2d.484,12-2578.**

"The WI Appeals Court Ruled the MMNED CAP Law Unconstitutional"

*"We are left with literally no rational factual basis in the record... which supports the Legislature's determination that the \$750,000 [/250K for Legal Counsel] limitation on noneconomic damages is necessary or appropriate to PROMOTE ANY OF THE STATED LEGISLATIVE OBJECTIVES," the court's opinion said... THE COURT WENT ON TO SAY "THE CAP DOESN'T ACHIEVE ANY OF THE LEGISLATURE'S STATED GOALS IN ADOPTING IT". Lawmakers included language...that said it was designed to encourage doctors to practice in Wisconsin, "contain health care costs" by discouraging "defensive medicine" and providing certainty in damage awards... "there's no data indicating a cap has any effect on physician retention anywhere", the court said. Doctors don't face any personal liability...As for the fund's solvency, "claims against it have decreased since 2005" ...the court said... *Mayo v. WIPFCF 2017, WI App 52, 377 Wis. 2d 566 901 N.W. 2d 782.**

Mayo v. WIPFCF WI S.CRT No. 2014AP2812 (WI CC No. 2012CV6272)

¶1 Patience D. Roggensack, C.J. Our review considers whether the legislatively-enacted cap of \$750,000 (the cap) on non-economic damages for victims of medical malpractice that is set out in WI § 893.55 (2015-16) is unconstitutional facially or as applied, based on equal protection and due process grounds. In reliance on *Ferdon ex rel. Petrucci v. WPCF*, 2005 WI 125, 284 Wis. 2d 573, 701 NW2d 440, the court of appeals concluded that the cap was facially unconstitutional. The court of appeals did not address whether WI § 893.55 was unconstitutional as applied to Ascaris Mayo. However, the circuit court had concluded that the \$750,000 cap on noneconomic damages was unconstitutional as applied to the Mayos. We conclude that rational basis is the proper standard by which to judge the constitutionality of WI § 893.55; that WI § 893.55 is facially constitutional and constitutional as applied to the Mayos; and that *Ferdon* erroneously invaded the province of the legislature and applied an erroneous standard of review. Accordingly, we reverse the court of appeals' decision, overrule *Ferdon*...Therefore, we reverse the court of appeals and remand to the circuit court to impose the \$750,000 cap on noneconomic damages.

Ferdon v. Wisconsin Patients Compensation Fund, 2005 WI 125, 284 Wis. is a medical malpractice case: Background - The case involved a doctor who injured Matthew Ferdon during delivery, causing partial paralysis and a deformed right arm. The jury awarded Ferdon about \$1.1 million, with \$700,000 of that for noneconomic damages. Legal issues - The case raised equal protection challenges, and the court considered whether the noneconomic damages cap in medical malpractice cases violated the Wisconsin Constitution. Outcome - The Wisconsin Supreme Court upheld the \$750,000 cap on noneconomic damages in medical malpractice cases. The court ruled that the cap was constitutional and that *Ferdon* had applied an incorrect standard of review.

Pennsylvania does not limit the amount that can be awarded for non-economic damages like pain and suffering in medical malpractice cases. The absence of a cap is to ensure victims receive just compensation based on the specific details of their case...there is no evidence that Pennsylvania has a shortage of health care providers due to their medical malpractice cap law.

The 14th Amendment states that no person shall be "deprived of life, liberty, or property, without due process of law." This clause is often interpreted to include the right to access the courts to seek redress for legal grievances via the Due Process Clause. ProSe Petitioner respectfully asserts it is quite frankly absurd to think or believe that an untrained common citizen, without a college degree "***Should Know or Should Have Known***" as stated by Wisconsin Courts, the nuances of judicial procedures to Accomplish the Ends of Justice.

Medical Malpractice Non-Economic Damages CAP Laws, “*As-
Applied*” and “*Facially*” abridge and deprive millions of Medical
Malpractice Tort Personal Injury Victims annually from realizing
Equal Protection and Due Process Rights to “Redress for Wrongs”,
preventing them from securing Legal Counsel to litigate lawsuits, as it
did Petitioner, *deprived of 14th Amendment State Action Clause*,
privileges and immunities, constituting an *Arbitrary, Discriminatory,
Unconstitutional State Law, in violation of Equal Protection and
Due Process Clauses (see Affidavits pgs. 23-34 in Appendix)*.

Wisconsin limits non-economic damages in medical malpractice cases to **\$750,000**. In 2018, the Wisconsin Supreme Court upheld the **\$750,000** cap on non-economic damages in medical malpractice cases. Ascaris Mayo, lost all four of her limbs after medical personnel failed to diagnose an infection, a jury awarded Mayo **\$16.5** million in non-economic damages, but a Wisconsin Supreme Court's ruling limited the award to **\$750,000**.

Many trial attorneys, like Daniel Rottier, say the system in Wisconsin is broken. Rottier's firm “*Habash, Habash and Rottier*”, (represented Ascaris Mayo) rarely takes on medical malpractice cases anymore because of the limits on jury awards. “They're only paying out around \$15 million a year right now for claims”.

“There comes a point where this grand bargain of protecting doctors, and limiting patients has gotten out of whack,” Atty. Daniel Rottier.

Seven hundred deaths a day from medical mistakes. The I-Team investigated malpractice deaths in Wisconsin and talked to victims who say state laws make it nearly impossible to right the wrongdoing, and if medical malpractice happens in Wisconsin, the majority of people affected are blocked from seeking justice because of laws and court rulings. Over the last 17 years, medical malpractice lawsuits in Wisconsin dropped more than 50 percent, even though the state-run malpractice insurance fund sits at \$1.2 trillion.

II. Pat Madden-Ripp's husband died five years ago (2011) from a general staph infection not caught by UW health doctors. *"His heart was racing, he's dripping sweat,"* Madden-Ripp said. "You trust so much that they're (Doctors) going to be thorough and do what they need to do." Madden-Ripp now has grandchildren, a life event her husband never got to experience. She continues to hope for a better system for victims. *"There should be accountability, and there should be some changes made"*, Pat looked into filing a malpractice claim but couldn't find an attorney to take the case.

"A lot of them said, 'No we don't take medical malpractice cases any longer because the cap is so low," Madden-Ripp said.

III. Rose DeLeon's mom died in January after surgery on her spinal cord. She's still waiting for an official cause of death, but Rose feels the doctor made a mistake, and she can't do anything about it. In addition to the Medical Malpractice Cap Law, state law only allows spouses and minor children to sue.

"It's all kind of pooled into anger and I can't do anything with it" DeLeon said.

In 2016 there were approximately 35 states that had some sort of medical malpractice non-economic damage cap law, but Wisconsin, consistently ranks as one of the lowest when it comes to paying out on medical malpractice claims. *By: Courtney Gerrish, Posted July 09, 2016*

SOME STATISTICS ABOUT MEDICAL MALPRACTICE: 1.5 million people in the United States suffer non-fatal injuries from medical malpractice each year. Medical Malpractice is considered the third leading cause of death in the country, with some estimates suggesting that at least 250,000 people die from medical errors annually. However, the actual number of deaths may be higher because medical malpractice is often under-reported or not recognized... Less than 10% of medical mistakes are reported.

TYPES OF MEDICAL ERRORS - Common types of medical errors include diagnostic errors, medication errors, surgical errors, equipment failures, patient falls, hospital-acquired infections, and communication failures.

MEDICAL MALPRACTICE CLAIMS – approximately 20,000 lawsuits are filed against medical professionals each year...in 2023, there were 11,440 medical malpractice claims reported (result of 14th Amendment State Action Clause Violation)...in contrast to 250,000 motor vehicle accident claims filed annually, with claim settlements in 2023, costing \$173.7 million

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Notice : SCOTUS Petition Appendix contains relevant information to show the most recent Decision of the 1st District Appeals Court of Wisconsin and Denial of Petition for Review by the SCOWL. Also included are Affidavits in support of assertion that ProSe Petitioners 14th Amendment States Action Rights have been deprived by eliminating the Contingency Agreement option to secure Jurist Legal Counsel Representation of Licensed Personal Injury Attorneys, a direct result of the Unconstitutional and Discriminatory State of Wisconsin Medical Malpractice Non-Economic Damages CAP Law. This Supreme Court of the United States should recognize that a ProSe Petitioner compelled out of necessity to try and preserve Constitutional Rights to Redress for Wrongs is generally not sufficiently trained to produce the level of Petition for Writ of Certiorari that would be expected from a licensed Attorney and therefore any errors in this petition should be excused predicated on the fact that Petitioner was deprived from obtaining Legal Representation, which is the Premise for this petition being filed with this Supreme Court of the United States.

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Wisconsin Statutes

WI§Article,1,Sec's.,1,9 Remedy for Wrongs
WI § 655.43 - Medical Malpractice
WI§893.55 - Medical Malpractice
WI§655 - Medical Malpractice Limitation on Non-Economic Damages
WI§146.83(3)(4)(a)(b)- Access to Medical Records
WI§146.84(1)(b)(c)- Violation
WI§806.07(1)(c)(d)(h)(2) - Fraud Upon The Court

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1st Amendment USC - Right to Petition
6th Amendment USC - Right to Legal Counsel
14th Amendment USC - Right to Equal Protection and Due Process
FRCP 60(b)(3)(4)(6)(d)(1)(3) - Fraud Upon The Court
18 USC § 242 - Color Of Law Deprivation of Rights
42 USC § 1983 - Deprivation of Rights
HIPAA Fed. 45-CFR-164.524(b)(2) - Timely Release of Medical Records

PETITION'S LIST OF AUTHORITIES

*Neglect by both a lawyer and client was not "excusable."... Forfeiture of Litigation Privileges of Defendants et.al, pursuant to **Charolais Breeding Ranches v. Wiegel**, 92 Wis. 2d 498, 285 N.W.2d 720 (1979).*

WI§146.83(3)(4)(a)(b) *No person may do any of the following: (b) Conceal or withhold a patient's health care record with intent to prevent or obstruct an investigation or prosecution...Sub. (4) (b) clearly and unambiguously applies only to the concealment or withholding of "patient health care records."...**Wall v. Pahl**, 2016 WI App 71, 371 Wis. 2d 716, 886 N.W.2d 373, 15-1230. The intent of the Statute is to remedy Obstruction of Justice violations of Procedural Due Process as set forth by: **Jones v. Dane County**, 195 Wis.2d.... "A procedural due process claim arises when there is a Deprivation of a Right without sufficient process).*

*Fraudulent Concealment and Withholding Violation of WI§893.55(1m)(a)(b)(2) Medical Malpractice...(1m) Except as provided by subs. (2) and (3), an action to recover damages for injury...from any omission by...health care provider...shall be commenced within the later of: (a) Three years from the date of the injury, (b) One year from the date the injury was discovered...except that an action may not be commenced...more than 5 years from the date of the act or omission. (2) If a health care provider conceals from a patient a prior act or omission of the provider...an action shall be commenced...within the time limitation provided by sub. (1m), whichever is later within (5) YSOR...**Landis v. Physicians Ins. Co.**, 2001 WI...Commence an Action...Before the Expiration of Time Limitation in WI§893.55(1m)(b)(2) Commence Action Before Time Limitation Expires.*

*Clearly ProSe Petitioner "can prove facts in support of his claim[s] which would entitle him to relief" **Haines v. Kerner**, 404 U.S. 519 520-521 92 S. Ct. 594, 596, 30 L. Ed. 2d 652 (1972). WI§806.07(1)(c)(d)(h)(2)*

*The state and federal constitutions provide identical procedural due process and equal protection safeguards. **County of Kenosha v. C&S Mngmt, Inc.**, 223. Wis. 2d 373, 588. N.W. 2d 236 (1999).*

14th Amendment Rights to Equal Protection and Due Process and 42 USC§1983 Deprivation of Rights and 18 USC§242 Deprivation of Rights Under COL?

*FRCP 60(b)(3)(4)(6)(d)(1)(3), set forth by **Griffen v. Griffen**, 327...S.CRT...Civil Rights Violations, Biased misrepresentation of probative and substantive material facts of the Case on the Record by the Court, constitutes Void Orders procured by "Fraud Upon The Court" pursuant to:*

*Defined by 7th CCA...**Fraud Upon The Court**, defiles the court itself...so that judicial machinery cannot perform...impartial task of...adjudication: **Kenner v. C.I.R.**, 387 F.3d 689 (1968). "Whenever any officer of the court commits fraud during a proceeding...he/she is engaged in **Fraud Upon The Court**"...**Bullock v. United States**, 763... (10th CCA 1985).*

*The 7th CCA ruled that a Judge's **Fraudulent Misrepresentation of the Official Record in a Final Order** violated the right to a tribunal free from bias or prejudice...**United States v. Sciuto - Fraud Upon The Court** Violates the 14th Amendment's Due Process Clause, which guarantees that no person can be deprived of life, liberty, or property without due process of law:*

Valley v. Northern Fire & Marine Ins Co, 254 U.S 348, 41 S.Ct 116 (1920), “The law is well-settled that a void order...is void even before reversal”; “Courts are constituted by authority...cannot go beyond that power...If they act beyond that authority...in contravention...their orders are...nullities; they are...simply void...prior to reversal.” *Williamson v. Berry*, 8 How. 945, 540...1189 (1850).

Fritts v. Krugh, S. Crt. Mich., 92 N.W.2d... (10/13/58). A “void” judgment...grounds no rights, no defense to actions...vulnerable to any...attack. No statute of limitations or repose runs on its holdings, the matters...are Not Res Judicata...

This Court has the Legal Judicial Authority and Duty to correct these violations, pursuant to : Fritts v. Krugh, S.CRT Mich...97 (10/13/58) ; " Kenner v. C.I.R., 387 F.3d 689 (1968) ; 7 Moore's Fed. Prac...and to conduct Fair and Impartial Adjudicative Proceedings

Thoma v. Village of Slinger, 2018 WI 45, 381, “In deciding a motion under WIS806.07(1)(c)(d)(h)(2); [FRCP 60(b)(3)(4)(6)(d)(1)(3)], the circuit court should examine allegations...assume they are true...hold a hearing to decide Truthiness or Falsity

Judicial Officer as Trespasser...by own direct action...without any excuse...trespasser in the execution of a legal process in an illegal manner; *1 Chit. Pl. 183: 2 John Cas. 27* when the court has jurisdiction but the proceeding is defective and void...*Chit. Pl. 183-187* in all these cases a man is a trespasser...*4 Inst 317; Ham. N. P. 215. Vide 1 Rawle's R. 121*...all persons concerned in executing such orders are considered, in law, as trespassers...*Latty, 907 S.W.2d at 486*...entitled to no respect...*Ex parte Spaulding*, 687 S.W.2d at 745.

The basic standards governing Fraud On The Court are reasonably straightforward. As set forth in Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998)

*The requisite Fraud On The Court occurs where “it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system’s ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party’s claim or defense.” *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989).*

*The trial court has the inherent authority, within the exercise of sound judicial discretion, to Dismiss An Action When A Plaintiff (or Defendants et.al) has perpetrated a Fraud On The Court...*Kornblum v. Schneider*, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).*

*While broad, the trial court’s discretion is not unlimited. The judge must consider the proper mix of factors and juxtapose them reasonably. “Abuse occurs when a material factor deserving significant weight is ignored, when an improper factor is relied upon...but the court makes a serious mistake in weighing them.” *Independent Oil and Chemical Workers of Quincy, Inc. v. Procter & Gamble Mfg. Co.*, 864 F.2d 927, 929 (1st Cir. 1988); see also *Anderson v. Cryovac, Inc.*, 862 F.2d 910, 923 (1st Cir. 1988) (to warrant reversal for abuse of discretion, it must “plainly appear that the court below committed a meaningful error in judgment”).*

In Thomas v. Chicago Park District (2002),...Writing for the Court, Justice Antonin Scalia reasoned that any “abuse must be dealt with if and when a pattern of unlawful favoritism appears,

"An Action In Deceit Will Not Lie For Nondisclosure". Epperson v. Roloff, 102, Nev. 206, 213, 719, P.2d, 799, 803 (1986). For "Omission to Constitute Actionable Fraud, a Plaintiff Must Demonstrate that Defendant had a Duty to Disclose the Fact at Issue". - Monsanto, 891 F.Supp. at 1417...Dow Chemical Co. v. Mahlum, 114, Nev., 1468, 1483-84, 970, P.2d, 98, 110 (1998).

Civil Rights Violations, Deprivation of 14th Amendment Rights* to Equal Protection and Due Process, and Breach of Legal Duty to Disclose Records, set forth by ...Ciox Health, LLC v. Azar, No. 18-cv-0040 (D.D.C. Jan. 23, 2020) ; Civil Rights Delegation of Authority, 65 Fed. Reg. 82381 (Dec. 28, 2000) ; Byrne v. Avery Center OBGYN ; (30 Day) HIPAA-Fed.845-CFR-164.524(a)(b)(2) ; WI§146.83(3)(4)(b) ; WI§146.84(1)(b)(c) ; WI§893.55(1m)(b)(2)

ProSe Petitioner respectfully and affirmatively asserts, I have not been allowed to be heard on every question... (Earle v McVeigh, 91 US 503... Every Person is Entitled...to be Heard...upon Every Question involving His Rights or Interests, before...Affected by Any Judicial Decision on the Question,

42 U.S. Code § 1983 - Civil action for Deprivation of Rights... Every person who, under Color of Any Statute...causes to be subjected, Any Citizen of the United States...Deprivation of Any Rights, Privileges, or Immunities secured by the Constitution and Laws, shall be *Liable to the Party Injured...for Redress* ...Leaf v. S. Crt WI. 979 F.2d 589, 597 (7th CCA 1992) ; H. Jones Jr v. S.CRT LA et.al (5th CCA Oct. 17, 2018)

The 14th Amendment gives everyone a right to Due Process of Law, including Judgments that comply with the Rules and Case Law... In Griffen v. Griffen, 327 U.S. 220, 66 S. Ct. 556, 90 L. Ed. 635 ; a ProSe Litigant won his case in the Supreme Court who stated... The 14th Amendment : No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of...Due Process of Law; nor deny to any person...Equal Protection of the Laws. "Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Fed. Practice.

A Legislative Classification satisfies the Rational Basis Standard if it meets the following five criteria : 1) - Classification is based upon substantial distinctions... It Cannot Be Similarly Situated ; 2) - Classification is germane to the purpose of the law... Does Not Accomplish Intent of Law ; 3) - Class is not based upon existing circumstances only... Similarly Situated is Discriminatory ; 4) - Law must apply equally to each member of the class... Similarly Situated and Discriminatory ; 5) - Characteristics of each class are so far different from those of other classes...Similarly Situated...Blake v. Jossart, 2016. WI. 57,370. Wis.2d.1.884 N.W.2d.484,12-2578.

The "Rational Basis Standard of Review" in US constitutional law means that a court will uphold a law unless it can find no rational connection between the law and a legitimate government interest, essentially requiring the challenger to prove the law is completely arbitrary and not reasonably related to any valid government goal; it is the lowest level of scrutiny applied by courts when reviewing legislation under the Equal Protection Clause or Due Process Clause.

When a party claims an equal protection violation that does not involve a suspect class or fundamental interest, the court is presented with three questions: 1) - does the challenged statute create distinct classes of persons; 2) - is a class treated differently from others similarly situated; and 3) - is there a rational basis for different treatment. Arty's, LLC v. DOR, 2018. WI.App.64,384. Wis.2d.320,919. N.W.2d.590,17-0886

As-Applied challenges question the constitutionality of a statute "On the Facts of a Particular Case or [As Applied] to a Particular Party." *Smith, 323, Wis.2d, 377, ¶10, n.9*

Jones v. Dane County, 195, Wis.2d.... "A procedural due process claim arises when there is a Deprivation of a Right without sufficient process".

Orders and judgments subject to this section encompass all the findings of fact and conclusions of law the court makes in arriving at the order or judgment. Estate of Persha, 2002 WI App 113, 255 Wis. 2d 767, 649 N.W.2d 661, 01-1132.

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "Fraud Upon The Court". In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985),

In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud Upon The Court" is fraud which is directed to the judicial machinery itself...or where the judge has not performed his judicial function, thus where the Impartial functions of the Court have been directly Corrupted."

A violation of 42 U.S.C. § 1983, under Color Of Law must consist of an abuse of power which is possessed by an official only because (he) (she) is an official, and the act must be committed under circumstances that would not have occurred but for the fact that the person committing it was an official purporting to exercise (his) (her) official powers...

42 U.S. Code § 1983 - Civil action for Deprivation of Rights... Every person who, under color of any statute...causes to be subjected, any citizen of the United States...deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall be liable to the party injured...for redress

The Legal Basis for This Action - Civil Rights Deprivation Violation of Law...This action is being taken under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), § 262(a), Pub.L. 104-191, 110 Stat. 1936, as amended, codified at 42 U.S.C. § 1320d-5, and under the enforcement regulations at 45 C.F.R. Part 160(D). The Secretary of HHS is authorized to impose CMPs (subject to the limitations at 42 U.S.C. § 1320d-5(b)) against any covered entity, as described at 42 U.S.C. § 1320d-1(a)(c), that violates a provision (Administrative Simplification) of Title XI of the Social Security Act. See 42 U.S.C. § 1320d- 5(a), as amended. This authority extends to violations of the regulations commonly known as the Privacy Rule promulgated at 45 CFR 160(A)(E)-164, Sec. 264(c) of HIPAA. The Secretary has delegated enforcement responsibility for the Privacy Rule to the Director of OCR. See Office for Civil Rights Deprivation Violation of Law; Statement of Delegation of Authority, 65 Fed. Reg. 82381 (Dec. 28, 2000).

Title 18 USC § 242, COL makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or Laws of the United States...Acts under "Color Of Law"...done while the official is purporting to...act in the performance of his/her official duties. Persons acting under color of law...this statute include Judges...

The limitations inherent in the requirements of Due Process and Equal Protection of the Law extend to Judicial...branch of Government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. Hanson v Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully request that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____;
or, has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____;
or, has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____;
or, has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____;
or, has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was September 11, 2024.

A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: September 11, 2024, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

PETITION CONSTITUTIONAL VIOLATIONS AND ARGUMENTS

ProSe Petitioner respectfully and affirmatively asserts as the Constitution clearly states pursuant to the 14th Amendment State Action Clause: "*No State Shall Make or Enforce Any Law Which Shall Abridge the Privileges or Immunities of Citizens of the United States; nor Shall Any State Deprive Any Person of Life, Liberty, or Pursuits, Without Due Process of Law; nor Deny to Any Person Within its Jurisdiction the Equal Protection of the Laws*". Violation of this 14th Amendment State Action Clause is precisely what this Unconstitutional Medical Malpractice Non-Economic Damages CAP Law has accomplished "As-Applied and Facially", by arbitrarily depriving and eliminating the "Contingency Agreement" option (*factor known by Defense Counsel*) for Petitioner to retain Jurist Legal Counsel to litigate this Medical Malpractice Lawsuit (*see Affidavits pgs. 23-34 in Appendix*) along with the majority of Medical Malpractice Injury Victims, while penalizing those who receive any redress as Medical Malpractice Tort Personal Injury Victims with the inadequate Non-Economic Damages compensation awards as described in the Ascaris Mayo Case.

A state law that forces a citizen to file a civil lawsuit as a ProSe Litigant, significantly restricts a citizen's ability to realize fair and impartial access to the Courts, by eliminating the contingency agreement, particularly when it deprives citizens of the privilege to secure legal counsel due to the inadequate compensation allocated by the Medical Malpractice Non-Economic Damages CAP Laws, effectively forcing the citizen to either abandon their constitutional right or to file a lawsuit as a ProSe Litigant, and navigate the undue burden and complexities associated with legal actions, such as medical malpractice, in an effort to preserve their rights to redress for wrongs, creating an irrefutable disadvantage, constituting "abridgment and deprivation" of 14th Amendment Rights to Equal Protection and Due Process for Petitioner in pursuit of redress for injury, harm and damages, a fundamental right thus the law is clearly Unconstitutional.

Forcing a Medical Malpractice Tort Personal Injury Victim to navigate the complexities of the Judicial Machinery Process as a Disadvantaged ProSe Litigant, especially when they lack legal knowledge, will most certainly hinder their ability to effectively present their case, essentially denying them fair and impartial access to the courts. Forcing Tort Personal Injury Victims to navigate complex legal proceedings without legal representation places an undue burden on these individuals who are not be able to afford legal counsel, (factor known and abused by Defense Counsel) jeopardizing their ability to realize Equal Protection and Due Process of the Law, to accomplish the Ends of Justice.

ProSe Petitioner respectfully and affirmatively asserts that the Court was informed at the initial *July 6, 2017* Hearing (Motion To Dismiss) that the Medical Malpractice Non-Economic Damages CAP Law Abridged ProSe Petitioner Rights by violating the *14th* Amendment State Action Clause, depriving of Equal Protection and Due Process by effectively eliminating the Contingency Agreement option to secure Jurist Legal Counsel, constituting a Discriminatory and Unconstitutional State of Wisconsin Law detrimentally effecting Tort Personal Injury Victims of Medical Malpractice Negligence in contrast to "Similarly Situated" Tort Personal Injury Victims of Motor Vehicle Accidents, who are "Not Deprived or Obstructed" from securing Legal Counsel through the Contingency Agreement option by a Non-Economic Damages CAP Law, showing the Court irrefutable evidence that ProSe Petitioner has been relegated to a "Disadvantaged Classification" as a direct result of the Unconstitutional Medical Malpractice Non-Economic Damages CAP Law subjugating ProSe Petitioner to deliberate Bad Faith litigation practices of a tainted and subverted Judicial Machinery Process.

ProSe Petitioner in an attempt to preserve guaranteed Constitutional Rights, Motions this SCOTUS as a Permanent Vision Loss, Medical Malpractice Tort Personal Injury Victim, compelled out of necessity and desperation to file the original Medical Malpractice Lawsuit as a Disadvantaged ProSe Litigant, showing this Supreme Court of the United States a **Discriminatory and Unconstitutional State Law “As-Applied” and “Facially”**, that has created a Disadvantaged Classification of “*Similarly Situated*” Tort Personal Injury Victims, “Arbitrarily Treated Differently, effectively eliminating the Rights to Equal Protection, Due Process, Fair and Impartial Adjudication to Accomplish the Ends of Justice for millions of Arbitrarily and Unfairly Treated Medical Malpractice Tort Personal Injury Victims.

There is, no doubt, an intimate relation between logic and law. This fact is apparent after the trial of a well-contested case, where the Best Legal Talent has been “Deployed” on Both Sides to Realize Equal Protection [and Due Process of the Law]. Deserved by Every Citizen.

Petitioner asserts that Wisconsin’s Medical Malpractice Non-Economic Damages CAP Law is unconstitutional both as-applied and on its face. It effectively deprives citizens of their Fourteenth Amendment rights by eliminating the contingency agreement option, making legal representation financially unfeasible for the majority of malpractice victims.

Denial of Due Process and Equal Protection – The law arbitrarily forces victims, including Petitioner, to proceed as pro se litigants, substantially hindering their ability to present their claims effectively. The Supreme Court has consistently held that laws infringing on fundamental rights must be narrowly tailored to serve a compelling state interest. The CAP law fails this standard by disproportionately impacting malpractice victims.

Unfair and Discriminatory Treatment – Unlike other similarly situated personal injury victims, medical malpractice tort personal injury victims are uniquely burdened and treated differently by these States medical malpractice non-economic damages cap laws, preventing them from securing legal counsel and depriving them of equal protection and due process of the law, in contrast to motor vehicle accident victims, who are not subjected to non-economic damages cap law restrictions.

Fraudulent Concealment and Bad Faith Litigation – The lower courts failed to account for fraudulent concealment by Defendants et.al, who withheld medical records and obstructed justice. This misconduct further deprived Petitioner of a fair opportunity to seek redress.

Undue Burden on Pro Se Litigants – The judicial system acknowledges that complex legal claims such as medical malpractice require expert testimony, legal strategy, and procedural expertise—capabilities that pro se litigants lack. By forcing Petitioner to litigate without counsel, the law creates an insurmountable burden, violating the principle of fundamental fairness.

The Constitution guarantees access to justice and a fair legal process. The Medical Malpractice CAP Law, as enforced, effectively strips Petitioner's rights to due process, fair adjudication, and legal representation. These unconstitutional constraints warrant Supreme Court intervention.

For these reasons, Petitioner respectfully requests that this Court grant the writ of certiorari to address these violations and ensure fundamental fairness in the administration of justice.

PETITION'S STATEMENT OF THE CASE

1. ProSe Petitioner respectfully asserts this case arises from a Medical Malpractice Lawsuit that was initiated by a ProSe Litigant, as a result of the State of Wisconsin Medical Malpractice Non-Economic Damages CAP Law violating the 14th State Action Clause, depriving Petitioner from securing Legal Counsel to preserve Constitutional Rights of Redress for Wrongs resulting from Permanent Vision Loss Injuries. Defendants et.al, Breached Legal Duty, failing to provide the "**Minimum Standard of Care**", as a Licensed Health Care Provider, pursuant to **WI§893.55(1m)(b)(2)**.
2. ProSe Petitioner respectfully asserts on **April 6, 2016**, initial Exam was performed by Knight Vision and Glaucoma Specialist, Dr. Knight requested copies of Vision Exam Records for next appointment. Petitioner requested copies of Vision Exam Records from Defendants et.al
3. ProSe Petitioner respectfully asserts, **April 7, 2016**, Petitioner received "Two (2) Eye Glass Prescriptions, dated **Jan. 19, 2009** and **Jan. 10, 2014**, signed by *Dr. Laczkowski, as Examining Optometrist*", and was informed by Defendants et.al, that "**All Other Vision Exam Records Were Lost In A Flood**", constituting initial "Fraudulent Concealment and Deliberate Withholding", bad faith Obstruction of Justice violation pursuant to **HIPAA Fed. 845-CFR-164.524(a)(b)(2) (30-Day Rule)** ; **WI§893.55(1m)(a)(b)(2)**; **WI§146.84(1)(b)(c)(2)(a)(3)**; **WI§146.83(3)(4)(a)(b)** ; **14th Amendment Equal Protection and Due Process Rights, Privileges and Immunities**.
4. ProSe Petitioner respectfully asserts **April 7, 2016**, second Vision Exam, was performed by Knight Vision and Glaucoma Specialist, and Petitioner was informed of **Permanent Vision Loss Injuries**, resulting from Medical Malpractice Negligence perpetrated by Defendants et.al.

5. ProSe Petitioner respectfully asserts that Dr. Knight, “opined”, that Defendants et.al (VisionWorks) Optometrist Breached Legal Duty constituting Medical Malpractice Negligence, advising ProSe Petitioner to seek Legal Counsel, and he would be Expert Witness, asserting that “Permanent Vision Loss Injuries could have been averted if Defendants et.al had followed the American Optometric Association – Clinical Practice Guidelines to provide the Minimum Standard Of Care” for ProSe Petitioner.
6. ProSe Petitioner respectfully asserts *April 2016*, search began for Legal Counsel to pursue redress for wrongs, all inquiries for Legal Counsel were declined as a result of the “Unconstitutional Medical Malpractice N.E.D CAP Law” (*WI§893.55 ; WI§655*), with Attorneys stating litigation would be economically unfeasible, for Contingency Agreement option depriving Petitioner of equal protection, due process and burden free access to the Courts (*see Affidavits pgs. 23-34 in Appendix*), constituting violations of the 14th Amendment State Action Clause.
7. ProSe Petitioner respectfully asserts *Feb. 23, 2017*, Mediation Request was filed and Defendants et.al, “Refused to Appear”, constituting violation of Due Process pursuant to Mandatory Mediation Rule set forth by (*WI § 655.43*), constituting forfeiture of litigation privilege for Defendants et.al.
8. ProSe Petitioner respectfully asserts *April 5, 2017*, Medical Malpractice Lawsuit was filed (*Case#2017CV002791*), pursuant to *WI§893.55(1m)(b)(2)*, to preserve Right to redress for wrongs as a ProSe Litigant, as Legal Counsel could not be secured prior to Statute of Limitation Expiration.
9. ProSe Petitioner respectfully asserts *May 10, 2017*, Defendants et.al, filed answer to lawsuit including an incomplete set of Petitioner’s Vision Exam Records, (*Jan. 19, 2009; Jan. 5, 2011; 2012 Auto-Refraction Test Printout; Jan. 6, 2014*), which were Fraudulently Concealed and Deliberately Withheld for (13) months, previously claimed to have been “*Lost In Flood*”.

10. ProSe Petitioner respectfully asserts on **June 26, 2017**, the Circuit Court Ruled, **“All Named Parties in Original Lawsuit”**, as Proper Parties (Highmark Inc.; VisionWorks of America; VisionWorks, Business Unit; Dr. Laczkowski), *Note Material Fact of Case: Dr. Vincent's, Identity, Acts and Omissions were Fraudulently Concealed and Deliberately Withheld, for (13) months predicated on false claim that Petitioner's Vision Exam Records were “Lost In A Flood”.*

11. ProSe Petitioner respectfully asserts **August 14, 2017**, an Amended Complaint was filed naming Dr. Vincent, as Party to original Medical Malpractice Lawsuit (**Case#2017CV002791**), including Actionable Claims from **Jan. 19, 2009, Jan. 5, 2011, Sept. 5, 2012, Jan. 6, 2014** Vision Exam Records, previously claimed to have been “Lost In A Flood”, constituting Fraudulent Concealment and Deliberate Withholding pursuant to **WI§893.55(1m)(a)(b)(2); WI§146.84(1)(b)(c)(2)(a)(3); WI§146.83(3)(4)(a)(b) ; 14th Amendment Equal Protection and Due Process Rights, Privileges and Immunities.**

12. ProSe Petitioner respectfully asserts **August 2017**, “search began **(45 Days)** to locate and serve” Dr. Vincent, search was unsuccessful to locate Party, within Amended Complaint time limit, however the **(5)-Year Statute Of Repose, “Judicable Time Limit” remained active through Jan. 6, 2019, pursuant to *Landis v. Physicians Ins. Co., 2001 WI...Commence an Action...Before the Expiration of Time Limitation in WI§893.55(1m)(b)(2)..***

13. ProSe Petitioner respectfully asserts on **Aug. 31, 2017**, Reconsider Motion, for Dismissal of Actionable Claims for Exams, **Jan. 19, 2009 and Jan. 5, 2011**, Ruled as “**Too Attenuated**”, the Circuit Court disregarded the **“Two Year Bright-Line Rule”** for Exams performed within two year period.

14. ProSe Petitioner respectfully asserts on ***Jan. 3, 2018***, “Prevailed” over Motion for Summary Judgment. Circuit Court Ordered Dr. Vincent, Dismissed without Prejudice, as “***Time Barred***”, Petitioner objected.

15. ProSe Petitioner Motioned the Court to Joinder Dr. Vincent, to existing Lawsuit, based on Defendants et.al “Concealing and Withholding” Medical Records, for (13) months, Obstructing Justice and activating ***(5)-YSOR Extension***, preserving Dr. Vincent, as Party to original Lawsuit, pursuant to ***Landis_v. Physicians Ins. Co., 2001 WI...Commence an Action...Before the Expiration of Time Limitation in WI§893.55(1m)(b)(2)***.

16. ProSe Petitioner respectfully asserts ***Approx. Oct. / Nov. 2018***, Motioned Circuit Court for Extension of Time to “Serve and Joinder” Dr. Vincent, after discovering address, from Open Records, after State Agency Investigation. Motion to Extend Time to Serve and Joinder Dr. Vincent, and Reconsideration of Actionable Claims was Denied by the Court.

17. ProSe Petitioner respectfully asserts ***January 4, 2019***, filed “New Lawsuit” against Dr. Vincent, (***Case#2019CV000119***) pursuant to ***“Judicable Time Limit” Jan. 6, 2019*** predicated on Exam Record ***Jan. 6, 2014***, signed by Dr. Vincent, pursuant to ***(5)-YSOR***, preserving Party for Legal Action, pursuant to ***Landis_v. Physicians Ins. Co., 2001 WI...Commence an Action...Before the Expiration of Time Limitation in WI§893.55(1m)(b)(2)***.

18. ProSe Petitioner respectfully asserts ***Feb. 6, 2019, Case#’s—2019CV000119---2017CV002791*** were consolidated, while the ***(5)-YSOR*** preserving Dr. Vincent, as proper party, was disregarded by Circuit Court.

19. ProSe Petitioner respectfully asserts **February 25, 2019**, Defendants et.al Motioned to Dismiss Dr. Vincent, with Prejudice as “Time Barred” and for Sanctions of Attorney Fees and Cost, for “Frivolous Filing”, disregarding **(5)-YSOR “Judicable Time Limit” of January 6, 2019**.

20. ProSe Petitioner respectfully asserts **March 7, 2019**, Circuit Court denied Motion to Amend and Supplement Pleadings, Abridging Constitutional Rights, pursuant to **14th Amendment Equal Protection and Due Process Clauses**.

21. ProSe Petitioner respectfully asserts **June 6, 2019**, Circuit Court signed Orders Granting Defendants et.al Motion to Dismiss Dr. Vincent, with Prejudice as “**Time Barred**”, and Sanctions for Fees and Cost, disregarding the fact that fraudulent concealment of medical exam records claimed to be “*Lost In A Flood*” and its impact on statutory deadlines and **(5)-YSOR “Judicable Time Limit” Jan. 6, 2019**. Circuit Court Ruled, **No Concealment Occurred, and Medical Records were Destroyed in 2014** that Vision Loss Injuries were discovered the same date as the **Identity of “Dr. Laczkowski and Dr. Vincent”**, constituting **Biased Misrepresentation of Material Facts of Case on the Record** constituting **Orders Procured by “Fraud Upon The Court”**.

22. ProSe Petitioner respectfully asserts **July 1, 2019**, filed Notice of Appeal, of Circuit Court Orders, Dismissing Dr. Vincent, and Sanction of Attorney Fees and Cost, and Dismissal of Actionable Claims from **Jan. 19, 2009** and **Jan. 5, 2011**, Vision Exam Records.

23. ProSe Petitioner respectfully asserts **March 5, 2024**, Appeals Court, Ruled affirming Circuit Court.

24. ProSe Petitioner respectfully asserts **Setember 11, 2024**, Wisconsin Supreme Court Denied Review.

PETITION'S REASONS FOR GRANTING WRIT

ProSe Petitioner respectfully petitions this US Supreme Court, pursuant to the ***1st and 14th Amendments to the US Constitution***, to diligently consider this request for a ***Writ of Certiorari***, and to grant review purposed to Vacate, Reverse or Remand, Wisconsin State Court Rulings and Orders, ***"Procured by Fraud Upon The Court"***, pursuant to ***FRCP 60(b)(3)(4)(6)(d)(1)(3), and set forth by Griffen v. Griffen, 327...S.CRT...Civil Rights Violations, Biased Misrepresentation of Probative and Substantive Material Facts of the Case on the Record by the Court, constituting Void Orders, resulting from violation of the 14th Amendment State Action Clause, depriving Petitioner of Equal Protection, Due Process and the Privilege to secure Jurist Legal Counsel, being subjected to an Undue Burden as a Disadvantaged ProSe Litigant.***

Petitioner will show this SCOTUS, violations of guaranteed Constitutional Rights, Privileges and Immunities pursuant to the ***14th Amendment*** deprived of Equal Protection and Due Process. These Rights were eviscerated by the ***Unconstitutional Medical Malpractice Non-Economic Damages CAP Law, (WI§893.55 & WI§655)***, which "***As-Applied and facially***", abridged and deprived this ***Disadvantaged ProSe Petitioner*** and millions of Medical Malpractice Tort Personal Injury Victims by violating the ***14th Amendment State Action Clause***, eliminating the ability to obtain Jurist Legal Representation through the Contingency Agreement option ***[fact known by Defense Counsel] (see Affidavits pgs. 23-34 in Appendix)***. These Unconstitutional Medical Malpractice Non-Economic Damages CAP Laws, effectively deprives the privileges, of this Disadvantaged Class of Tort Personal Injury Victims from realizing Fair and Impartial adjudication. Alternatively subjecting this ProSe Petitioner to pernicious judicial

subjugation, bias and hostility, evidencing a tainted and subverted Judicial Machinery Process, perpetrated and perpetuated by acts and omissions of Defendants et.al and Judicial Officers, constituting egregious bad faith Breach of Legal Duty, Fraudulent Concealment and Deliberate Withholding Failure to “Timely Release” Petitioner’s Medical Records and Misrepresentation of Material Facts of the Case on the Record, constituting Fraud Upon The Court, under the following cases: 2017CV002791, 2019CV000119, 2022AP000947.

The Premise for Petition to be granted, is predicated on the fact that Petitioners Constitutional Rights have been Violated and the Constitutional Rights of millions of people who have been left with no other option but to abandon their Constitutional Rights to Redress, who are afraid and will never have the commitment or audacity to stand up for themselves to assert and advocate for their Rights that have been Violated and this Petitioner refused to just abandon my Constitutional Rights, as I take the liberty to notify this Court of what is happening to millions of USA Citizens. From the outset, this Civil Action has been a continuum of violative Acts and Omissions by Defendants et.al, and State Judicial Officers, precipitated by the Unconstitutional and Discriminatory State of Wisconsin Medical Malpractice Non-Economic Damages CAP Law, in violation of the 14th Amendment State Action Clause.

It is well established that a state law cannot force its citizens to abandon their constitutional rights to redress or to file a civil lawsuit as a disadvantaged ProSe litigant subjected to the undue burden of navigating the complexities of a biased and hostile Judicial Machinery Process without Jurist Legal Counsel, showing the Court an irrefutable Unconstitutional and Discriminatory arbitrary law that treats similarly situated tort personal injury victims differently.

ProSe Petitioner respectfully asserts that my ability to litigate this Medical Malpractice Negligence Lawsuit has been inadequate from the outset, recognizing that extensive training is required to become proficient in navigating the Judicial Machinery Process at a level expected of a Trained Attorney, and it is unrealistic for the Judicial System to expect a ProSe Litigant to perform to these standards and equally unfortunate that a Tort Personal Injury Victim of Medical Malpractice Negligence was subjected to Judicial System Bias, Abuse, Hostility, Bullying and Distress for attempting to preserve 14th Amendment Rights, Privileges and Immunities rather than Abandon and Forfeit the Right to Redress for Wrongs as a result of this ***Unconstitutional Medical Malpractice Non-Economic Damages CAP Law*** that Arbitrarily Deprives Citizens from securing Jurist Legal Representation and Constitutional Equal Protection and Due Process.

ProSe Petitioner in his attempt to preserve and protect guaranteed Constitutional Rights, Motions this SCOTUS as a Permanent Vision Loss, Medical Malpractice Tort Personal Injury Victim, compelled out of necessity and desperation to file the original Medical Malpractice Lawsuit as a Disadvantaged ProSe Litigant, showing this Supreme Court of the United States a Discriminatory and Unconstitutional State Law “As-Applied” and “Facially”, that has created a Disadvantaged Classification of “Similarly Situated” Tort Personal Injury Victims, “Arbitrarily Treated Differently, effectively eliminating the Rights to Equal Protection, Due Process, Fair and Impartial Adjudication to Accomplish the Ends of Justice for millions of Irrationally, Arbitrarily and Unfairly Treated Medical Malpractice Tort Personal Injury Victims.

Due Process Violation – The lower Courts' refusal to recognize fraudulent concealment and deliberate withholding violation by Defendants et.al, and their biased and rigid application of time-barred rulings violated Petitioner's Constitutional Rights to Equal Protect and Due Process of the Law, as set forth by the 14th Amendment.

Access to Justice – Wisconsin's Medical Malpractice Non-Economic Damages CAP Law violates the 14th State Action Clause, depriving Petitioner and millions of Medical Malpractice Negligence Tort Personal Injury Victims from securing Legal Counsel to preserve and litigate Constitutional Privileges and Right to Redress for Wrong effectively denying injury victims fair and impartial access to the courts in violation of Constitutional Federal protections.

Fraud Upon the Court – The Circuit and Appeals Court rulings ignored judicial misrepresentation of material facts of the case on the record and obstruction of justice by fraudulently concealing and withholding Petitioners medical records for 13 months, allowing Defendants et.al to benefit from breach of legal duty misconduct.

Significant Public Interest – The case presents a pressing issue regarding the balance between state malpractice caps and patients' constitutional rights to equal protection, due process, access to patient medical records in a timely manner and access to the Courts represented by jurist legal counsel.

ProSe Petitioner, a Severe Permanent Vision Loss Medical Malpractice Tort Personal Injury Victim has had an extremely difficult time and undue burden attempting to fight for my

Constitutional Rights, coupled with the fact that extended exposure to the computer screen in preparation of all these legal documents creates additional stress on my permanent vision loss injuries and exacerbates the harm and damages. Petitioner lost gainful employment in 2017 as a result of vision loss injuries and had no other choice but to fight for Redress for Wrongs, as a “Disadvantaged ProSe Litigant”. This litigation process has inflicted undue distress on Petitioner’s life and vision loss injuries, over the course of these eight (8) years and I could have never anticipated encountering such blatant bias, bullying and partiality that I’ve experienced during this tainted and subverted Litigation Process while seeking Fair and Equal Justice.

PETITION CONCLUSION

Petitioner respectfully asserts that Wisconsin’s Medical Malpractice Non-Economic Damages Cap Law (*WI §893.55 & WI §655*), along with similar laws in twenty-six other states, violates the 14th Amendment’s Equal Protection and Due Process Clauses by creating an unconstitutional barrier to justice. By effectively eliminating the contingency fee arrangement necessary for medical malpractice victims to secure legal counsel, the law discriminates against a specific disadvantaged classification of tort personal injury victims, depriving them of fair and impartial access to the courts. This undue burden forces disadvantaged litigants such as the Petitioner, into pro se litigation, where they are subjected to judicial bias, bad faith litigation, procedural disadvantages, and obstruction of justice. The State Action Clause of the 14th Amendment mandates that no state shall enforce a law that abridges constitutional rights. The Medical Malpractice Cap Law, as applied and facially, constitutes state action that

arbitrarily treats medical malpractice victims differently from other similarly situated tort personal injury victims, such as those injured in motor vehicle accidents, who are not subjected to similar statutory non-economic damages caps. This differential treatment results in systemic denial of equal protection and due process, disproportionately burdening victims of medical malpractice negligence.

This case presents a matter of national significance requiring the intervention of this Supreme Court. The fundamental right to access the courts is at stake, as millions of medical malpractice tort personal injury victims are either forced to litigate complex claims without legal representation or abandon their constitutional right to redress altogether. Given that these profound constitutional violations have no prior legal precedence established by the US Supreme Court, it is imperative that this Supreme Court's review is necessary to prevent the continued enforcement of unconstitutional and discriminatory State laws that undermine the integrity of the judicial system and the fundamental rights of the Constitution and the American people.

Accordingly, Petitioner respectfully requests that this Court grant the Writ of Certiorari to address these critical constitutional violations and restore the fundamental rights guaranteed under the 14th Amendment.

“Where Else Is A Disadvantaged ProSe Litigant To Go For Justice”?

Initially Dated this 6th day of December, 2024
Respectfully resubmitted, (2/12/2025)



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ProSe Petitioner

CERTIFICATION oORM and LENGTH

I hereby certify that this Petition conforms to rule 33.2(b). for a Petition produced with a proportional serif font. The length of this Petition is **5,450** words or less excluding Legal Authorities, Footnotes and Ancillary information.

CERTIFICATION OF APPENDIX

I hereby certify that filed with this Petition, either as a separate document or as a part of this Petition, is an appendix that complies with **rules 13.3 and 14.1** An appendix containing, in the following order: 1. The decision and opinion of the Wisconsin Court of Appeals and Wisconsin Supreme Court Denial of Review.

I further certify that if this Petition is taken from an appeals court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law.

Initially Dated this 6th day of December, 2024
Respectfully resubmitted, (2/12/2025)



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CASE NUMBER :

IN THE UNITED STATES SUPREME COURT

**CRAIG STINGLEY
PROSE PETITIONER,**

Vs.

**VISION WORKS, INC ET AL
RESPONDENT(S)**

ADDENDUM TO PETITION FOR A WRIT OF CERTIORARI

To the Honorable Justices of the Supreme Court of the United States:

prose Petitioner, Craig Stingley, respectfully submits this addendum to further clarify the significant legal issue presented in the Petition for Writ of Certiorari, specifically regarding that the US Constitution clearly sets forth by the 14th Amendment State Action Clause, that *"No State Shall Make or Enforce Any Law Which Shall Abridge the Privileges or Immunities of Citizens of the United States; nor Shall Any State Deprive Any Person of Life, Liberty, or Pursuits, Without Due Process of Law; nor Deny to Any Person Within its Jurisdiction the Equal Protection of the Laws"*.

ProSe Petitioner respectfully and affirmatively asserts that violation of the 14th Amendment State Action Clause, resulting from the Unconstitutional and Discriminatory Medical Malpractice Non-Economic Damages CAP Laws still being enforced in Wisconsin and twenty-six other States, arbitrarily "As-Applied and facially" creates a disadvantaged classification of tort personal injury victims, deprived of fair and impartial, access to the Courts, as well as equal protection and due process of the law, by eliminating the "Contingency Agreement" option to obtain Jurist Legal Counsel to realize Redress for Wrongs to litigate Medical Malpractice Lawsuits, exposing an Unconstitutional State Law.

I. Medical Malpractice CAP Law violates 14th Amendment State Action Clause :

ProSe Petitioner respectfully and affirmatively asserts that to my understanding, the US Supreme Court has never heard or ruled in a case involving a Medical Malpractice Tort Personal Injury Victim who was prohibited from obtaining Jurist Legal Counsel as a result of a Medical Malpractice Non-Economic Damages CAP Law which effectively violated the 14th Amendment State Action Clause, Equal Protection and Due Process of the Law.

Petitioners research has determined that the US Supreme Court has never ruled on a case involving a medical malpractice victim who has been deprived from obtaining Jurist Legal Counsel, as a result of a State Medical Malpractice Cap Law effectively eliminating the ‘Contingency Agreement’ option in violation of the 14th Amendment State Action Clause, prohibiting Fair and Impartial adjudication by the Courts, thus eliminating Constitutional Equal Protection and Due Process of the Law for Petitioner and multitudes of Medical Malpractice Tort Personal Injury Victims, constituting a “Disadvantaged Classification.

ProSe Petitioner respectfully and affirmatively asserts that granting of the requested Writ of Certiorari, will result in the first time that a case involving a Medical Malpractice Non-Economic Damages CAP Law, depriving a Tort Personal Injury Victim of Constitutional Rights to secure Jurist Legal Counsel would be Heard and Ruled on by the Supreme Court of the United States, constituting an unprecedented Constitutional challenge worthy of this Supreme Court of the United States granting the Petition for Writ of Certiorari to this ProSe Petitioner who is seeking to accomplish the Ends of Justice.

There is an unwritten rule in our society, that ***“If You Do Not Have Money, You Do Not Have Equal Protection Of The Law”***, a perspective that is antithetical to the foundational premise of the United States Constitution and therefore the Medical Malpractice Non-Economic Damages CAP Laws that prohibit Tort Personal Injury Victims of Medical Malpractice Negligence from securing Jurist Legal Counsel to realize Redress for Negligent Injury, through the Courts pursuant to the 14th Amendment Equal Protection and Due Process Clause, constitutes an Unconstitutional Law "As-Applied" and "Facially".

II. Primary Premise Question for Granting Writ of Certiorari :

If a State Medical Malpractice Non-Economic Damages CAP Law prohibits a Tort Personal Injury Victim from obtaining Legal Counsel to Litigate a personal injury lawsuit, does the Medical Malpractice CAP Law violate the 14th Amendment State Action Clause?

III. Addendum Argument :

ProSe Petitioner respectfully and affirmatively asserts that a State Medical Malpractice Non-Economic Damages CAP Law, that completely prohibits a Medical Malpractice Tort Personal Injury Victim from obtaining jurist legal counsel to litigate a personal injury lawsuit constitutes a violation of the 14th Amendment State Action Clause, by denying the Medical Malpractice Tort Personal Injury Victim, equal protection under the law and infringing on their right to due process by significantly obstructing their ability to fair and impartial access the judicial machinery process.

Access to Courts :

The right to access the courts is considered a fundamental right, and a law that effectively prevents someone from pursuing a legal claim could be deemed a violation of due process.

Equal Protection Clause :

By barring access to legal representation, the Medical Malpractice Non-Economic Damages CAP Law constitutes discrimination against injured parties in a way that violates the Equal Protection Clause, as individuals who are similarly situated would be treated differently based on their ability to secure legal counsel by the Contingency Agreement option.

State Action Clause :

Since the law is enacted by the state, it constitutes "state action" subject to scrutiny under the 14th Amendment.

The Supreme Court may allow an addendum if the original petition was missing something excusable such as newly discovered petition argument support, or if the petitioner was unrepresented, or lacked access to legal materials. Recognizing that the Supreme Court typically only hears cases that have national significance, and for the reasons stated above, Petitioner respectfully requests that this Court grant certiorari to review the decision of the Lower Court and resolve the critical legal question presented in *Stingley v Vision Works* case which has been detrimentally impacted by the "State Action Clause violation.

IV. Conclusion :

ProSe Petitioner respectfully and affirmatively asserts that the permanent vision loss tort personal injuries, harm and damages I have sustained, have been exacerbated and quite frankly being forced once again to endure the undue burden required to submit this Petition for Writ of Certiorari to get the SCOTUS to review my case is part of the "Undue Burden" that I understand to be in violation of the 14th Amendment State Action Clause because the common citizen is not adequately trained to meet the expectation of the Judicial Machinery Process, and therefore how else do we realize the Equal Protection and Due Process Clauses if we cannot be heard and represented by Jurist Legal Counsel, which I also understand to be a Constitutional Right. I am genuinely trying to advocate for myself and millions of other Medical Malpractice Tort Personal Injury Victims who have been forced to abandon their Constitutional Rights because we could not get Legal Counsel as a direct result of the Medical Malpractice Non-Economic Damages CAP Laws that have resulted in Personal Injury Attorneys declining these cases, a direct result of the insufficient compensation available to cover the expenses associated with litigating Medical Malpractice Cases and this is precisely what happened to Petitioner (*see Affidavits in Petition Appendix for verification of this statement*).

Dated this 20th day of January, 2025
Respectfully submitted,



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