

CASE NUMBER :

**IN THE UNITED STATES
SUPREME COURT**

CRAIG STINGLEY

PROSE PETITIONER,

Vs.

VISION WORKS, INC ET.AL

RESPONDENT(S)

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

STATE OF WISCONSIN SUPREME COURT, REFUSED REVIEW
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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March 5, 2024

To:

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Circuit Court Judge
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Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Division
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David J. Pliner
Electronic Notice

Craig LaFayette Stingley
Electronic Notice

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

2022AP947

**Craig LaFayette Stingley v. John Laczkowski, OD
(L.C. # 2017CV2791)**

Before White, C.J., Donald, P.J., and Colón, 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).

Craig LaFayette Stingley, *pro se*, appeals an order dismissing his medical malpractice claims against Dr. John Laczkowski, Laczkowski's employer, Vision Works, and two corporate entities, Vision Works of America and Highmark Incorporated (the Laczkowski lawsuit). The circuit court dismissed the Laczkowski lawsuit with prejudice as a sanction for Stingley's failure to pay the attorney's fees and costs imposed following determinations that Stingley pursued frivolous litigation against another Vision Works employee, Dr. William Joseph Vincent, in a related medical malpractice case (the Vincent lawsuit). Based on our review of the briefs and

record, we conclude that this matter is appropriate for summary disposition. See WIS. STAT. RULE 809.21 (2021-22).¹ While Stingley's appellate briefs purport to raise a variety of issues, Stingley fails to challenge the circuit court's authority to sanction him by dismissing the Laczkowski lawsuit, and we deem the issue conceded. Because that concession is dispositive, we summarily affirm.

The relevant background facts are few. Vincent and Laczkowski are optometrists who at different times examined Stingley's eyes at a Vision Works store. Stingley contends that each optometrist negligently failed to diagnose Stingley's glaucoma. Stingley filed two lawsuits, one against Vincent alone and the other against Laczkowski and the Vision Works entities. The Vincent lawsuit and the Laczkowski lawsuit were joined, but the circuit court dismissed the Vincent lawsuit in 2019, concluding that the claims were time-barred and frivolous. The circuit court also ordered Stingley to pay attorney's fees and costs to Vincent as a sanction for pursuing a frivolous lawsuit. Stingley appealed the order dismissing his claims against Vincent and the order for sanctions. This court affirmed. *Stingley v. Laczkowski (Stingley I)*, No. 2019AP1214, unpublished slip op. (WI App Mar. 2, 2021). We further concluded that the appeal was frivolous. *Id.* ¶3. We remanded for a determination of the attorney's fees and costs that Stingley must pay to Vincent as a penalty for pursuit of a frivolous appeal. *Id.* Our supreme court denied Stingley's petition for review.

Following remand, the circuit court entered an order establishing the amount that Stingley must pay for pursuing a frivolous appeal. Additionally, the circuit court ordered that it

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

would dismiss the Laczkowski lawsuit with prejudice unless Stingley met a sixty-day deadline for paying all of the fees and costs imposed for his frivolous litigation against Vincent. The deadline passed without Stingley making the required payments. The circuit court ordered the Laczkowski lawsuit dismissed with prejudice. Stingley now appeals from that order.

Stingley filed lengthy briefs in this court offering a variety of arguments suggesting that he is entitled to relief because his health care providers and their attorneys breached a legal duty and perpetrated a fraud on the court; and because various circuit court judges “allow[ed] the court to be deceived” by the health providers’ statements of fact and law. He also contests the constitutionality of Wisconsin’s statutory cap on non-economic damages in malpractice suits.

In response, Laczkowski contends that at no point during the circuit court proceedings did Stingley challenge the circuit court’s discretionary authority to dismiss the Laczkowski lawsuit with prejudice if Stingley failed to pay the costs and fees imposed in connection with his frivolous litigation against Vincent. Stingley has neither disputed that contention nor directed our attention to any place in the record where he raised such a challenge.

This court normally does not consider an issue unless it was raised first in the circuit court. *See State v. Huebner*, 2000 WI 59, ¶10, 235 Wis. 2d 486, 611 N.W.2d 727. The rule “is an essential principle of the orderly administration of justice.” *Id.*, ¶11. Enforcement of the rule serves the objectives of allowing the circuit court to correct or avoid alleged errors, ensuring that parties have notice of objections, and preventing parties from failing to object to errors and then relying on the claimed errors as grounds for reversal. *Id.*, ¶12. Here, Stingley did not argue to the circuit court that it lacked authority to dismiss the Laczkowski lawsuit with prejudice as a

sanction for his failure to pay frivolous litigation fees and costs. Therefore, any such argument is forfeited on appeal.² *Sea State v. Van Camp*, 213 Wis. 2d 131, 144, 569 N.W.2d 577 (1997).

Moreover, the result would be the same if we were to overlook the forfeiture rule set forth in *Huebner* and *Van Camp*. Our review of the appellate briefs satisfies us that, on appeal, Stingley has not challenged the circuit court's authority to dismiss the Laczkowski lawsuit with prejudice as a sanction for failure to pay frivolous litigation fees and costs imposed in the Vincent lawsuit. "An appellant's failure to address the grounds on which the circuit court ruled constitutes a concession of the ruling's validity." *Wascher v. ABC Ins. Co.*, 2022 WI App 10, ¶63, 401 Wis. 2d 94, 972 N.W.2d 162. Accordingly, we deem Stingley to have conceded that the circuit court properly dismissed the Laczkowski lawsuit with prejudice based on Stingley's failure to pay the fees and costs imposed in the Vincent lawsuit.

A dismissal with prejudice terminates the litigation and prevents relitigation of the issues. *Bishop v. Blue Cross & Blue Shield United of Wisconsin*, 145 Wis. 2d 315, 318, 426 N.W.2d 114 (Ct. App. 1988). Stingley's allegations of error in the Laczkowski lawsuit are therefore moot. See *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425 ("An issue is moot when its resolution will have no practical effect on the underlying controversy. In other words, a moot question is one which circumstances have rendered purely academic." (citation omitted)). We normally do not consider moot issues, see *id.*, and we see no

² Our review of the record discloses that Stingley filed objections to the order requiring him to pay frivolous fees and costs following our remand in *Stingley I*. However, we do not discern in those filings any allegation, let alone an argument, that the circuit court lacked authority to dismiss the Laczkowski lawsuit with prejudice as a penalty for failing to make the required payments. We observe that it is not our responsibility to scour the voluminous record for material that might aid Stingley's position. See *Jensen v. McPherson*, 2004 WI App 145, ¶6 n.4, 275 Wis. 2d 604, 685 N.W.2d 603.

reason to do so here. Accordingly, although Stingley's briefs allege a variety of errors in the Laczkowski litigation, a discussion of those issues is not required. "An appellate court need not address every issue raised by the parties when one issue is dispositive." *Barrows v. American Fam. Ins. Co.*, 2014 WI App 11, ¶9, 352 Wis. 2d 436, 842 N.W.2d 508.

Before we close, however, we must briefly note and address Stingley's efforts to relitigate his claims against Vincent. Stingley contends that his litigation against Vincent was not time-barred, and Stingley seeks relief from the order dismissing the Vincent lawsuit. We reject Stingley's efforts to revive his resolved claims. In *Stingley I*, Stingley pursued an appeal of the order dismissing the Vincent lawsuit. Stingley did not prevail. His current appeal of the order dismissing the Laczkowski lawsuit does not again bring before this court the final order dismissing the claims against Vincent that were previously decided. To the contrary, a second appeal from a subsequent judgment or order does not permit this court to review the matters that were resolved, or that could have been resolved, in an appeal from an earlier final order.³ See WIS. STAT. RULE 809.10(4) (stating that an appeal from a final order or judgment brings before this court "prior nonfinal judgments, orders and rulings adverse to the appellant ... not previously appealed and ruled upon"); see also *Schoenwald v. MC*, 146 Wis. 2d 377, 394, 432 N.W.2d

³ We observe with concern that Stingley knew or should have known that he could not use the instant appeal as a forum for challenging the order dismissing his case against Vincent. By order dated January 31, 2023, this court denied Stingley's motion for "an order declaring the appeals court will 'review' dismissal of" the Vincent lawsuit. Our order stated: "The dismissal of Stingley's case against Vincent ... is not before the court in the current appeal." We remind Stingley that the right to self-representation does not confer a license to ignore the orders of this court and the rules of appellate procedure. *Wausau City v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). We therefore caution Stingley that we will consider imposing a penalty upon him should he again disregard "relevant rules of procedural and substantive law." See *id.*

No. 2022AP947

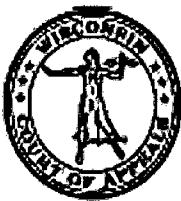
588 (Ct. App. 1988) (citation omitted) (providing that "a judgment should be treated as resolving not only all issues actually litigated but all issues that might have been litigated").

For all the foregoing reasons,

IT IS ORDERED that the circuit court's order is summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

*Samuel A. Christensen
Clerk of Court of Appeals*



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DISTRICT I

October 19, 2022

To:

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David J. Pliner
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Craig LaFayette Stingley
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You are hereby notified that the Court has entered the following order:

2022AP947

*Craig LaFayette Stingley v. John Laczkowski, OD
 (L.C. # 2017CV2791)*

Before Donald, P.J.

Citing WIS. STAT. RULE 809.14 (2019-20), *pro se* appellant Craig L. Stingley has filed a "motion for appeals court to review unconstitutional civil rights violation issue." He asks this court to "review and consider the 'As-Applied' and 'Facially' Unconstitutional and Discriminatory effects of Wisconsin's Medical Malpractice Non-Economic Damages CAP Law." Stingley appears to be seeking review of issues he believes to be present in his case, but such argument belongs in Stingley's appellant's brief; appeal cannot be had by motion. Further, we decline to construe the motion as an appellant's brief because it is largely non-compliant with WIS. STAT. RULE 809.19 (2019-20).

Therefore,

IT IS ORDERED that the "motion for appeals court to review unconstitutional civil rights violation issue" is denied.

*Sheila T. Reiff
 Clerk of Court of Appeals*

SCOTUS
 Review
 EXHIBIT
 No. 2
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FILED
09-11-2024
CLERK OF WISCONSIN
SUPREME COURT

September 11, 2024

To:

Hon. William Sosnay
Circuit Court Judge
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John H. Healy
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Anna Hodges
Clerk of Circuit Court
Milwaukee County Circuit Court
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David J. Pliner
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Craig LaFayette Stingley
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2022AP947

Stingley v. Laczkowski, L.C. #2017CV2791

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of plaintiff-appellant-petitioner, Craig LaFayette Stingley, pro se, and considered by this court;

IT IS ORDERED that the petition for review is denied, without costs.

Samuel A. Christensen
Clerk of Supreme Court

SCOTUS
Review
EXHIBIT
No. 3
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1 STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY
2 BRANCH 34

3 CRAIG LaFAYETTE STINGLEY,

4 Plaintiff,

5 -vs-

Case No. 17-CV-2791

6 DR. J. LACZKOWSKI, O.D. and
VISION WORKS WEST ALLIS,

7 Defendants.

8

9 MOTION TO DISMISS

10 June 26, 2017

HONORABLE GLENN H. YAMAIRO
Circuit Judge, Presiding

11

12

13

14 APPEARANCES:

15 CRAIG LAFAYETTE STINGLEY, PLAINTIFF
2107 N. 51 Street
16 Milwaukee, WI 53208
17 appearing Pro Se.
(414) 254-1546

18 JOHN H. HEALY, ESQ.
7618 Westward Way
19 Madison, WI 53717
20 appearing on behalf of the Defendant.
(815)541-1134

21

22

23

24

25 Joanna Koepp - Official Court Reporter.

SCOTUS
Review
EXHIBIT
No. 4
Pg. 12-16

Evidence that Petitioner Informed the Court that the Unconstitutional Medical Malpractice Non-Economic Damages CAP Law Abridged 14th Amendment States Action Clause to obtain Legal Counsel

1 MR. HEALY: No, Your Honor.

2 THE COURT: Okay. This your first case,
3 Mr. Stingley?

4 MR. STINGLEY: Yes, sir.

5 THE COURT: As counsel? You wrote a nice
6 brief. Little heavy on the bold print, but otherwise
7 I'll give you credit.

8 MR. STINGLEY: Appreciate that.

9 THE COURT: It's not easy for someone not a
10 lawyer, not easy for a lot of lawyers.

11 MR. STINGLEY: I sought to find attorneys.
12 But with this medical malpractice cap and all of that
13 that goes into that, many of them have told me it's
14 just not enough money for them. So I had no choice
15 but to represent myself.

16 THE COURT: Okay. As indicated, this is a
17 medical malpractice case. According to the complaint,
18 Dr. John Laczkowski performed comprehensive vision
19 examinations on the plaintiff on at least two
20 occasions. And based on the complaint, I find those
21 two occasions to be January 19 of 2009 and January 10
22 of 2014.

23 Dr. Laczkowski has admitted in his answer
24 there was another exam conducted on January 14th of
25 2011, and the issue is an alleged failure to diagnose

ProSe Petitioner, asserts Material Facts of Vision Exam Medical Record Date "Altered" fraudulently by Judge Yamahiro, from Jan. 19, 2009 (Pg.10) to Jan. 9, 2009 constituting Fraud Upon The Court, predicated on misrepresentation of probative material fact.

1 glaucoma here and/or refer the plaintiff to a
2 specialist.

3 The diagnosis per the complaint occurred on
4 about April 6 of 2016. Subsequent to that, the
5 plaintiff contacted Vision Works to request records,
6 at which time two vision correction eye glass
7 prescriptions, dated January 9 of 2009 and January 10
8 of 2014, were provided and that was in conjunction
9 with the statement regarding other records being lost
10 in the flood.

11 Mr. Stingley also alleged that he contacted
12 his vision health care insurance company, VSP,
13 obtained documentation establishing comprehensive
14 vision health care examinations performed by Vision
15 Works on September 5 of 2012 and January 6 of 2014.

16 The purpose of the motion to dismiss is to
17 test the legal sufficiency of the complaint, under
18 *Evans versus Cameron*, 212 Wis. 2d 421. In this
19 context, well-pleaded facts are accepted as true.
20 Legal conclusions alone are not accepted as true and
21 insufficient to enable a complaint to withstand a
22 motion to dismiss under *Data Key Partners versus*
23 *Permira Advisors, LLC*, 356 Wis. 2d 665.

24 Defendants have brought their motion based
25 upon the failure to state a claim statute 802.06 sub

ProSe Petitioner, asserts Material Facts of Vision Exam Medical Record Date "Altered" fraudulently by Judge Yamahiro, from Jan. 19, 2009 (Pg.10) to Jan. 9, 2009 constituting Fraud Upon The Court, predicated on misrepresentation of probative material fact.

1 Halverson versus Tydrich, 156 Wis. 2d 202.

2 The complaint of the plaintiff notes two
3 treatment dates, January 9 of 2009 and January 10 of
4 2014. The Court finds that any claim arising out of
5 an act or omission of any of the defendants occurring
6 during the January 9, 2009 contact is time barred by
7 the statute of limitations. The five-year limitation
8 in that sub section is a statute of repose and bars an
9 action without regard to the date of discovery, under
10 the Halverson case.

11 In order to avoid the five-year statute of
12 repose limitation regarding the 2009 contact with the
13 defendant, Mr. Stingley would need to establish either
14 concealment or a continuum of negligent treatment.

15 The last date the complaint alleges treatment
16 by the defendant on January 2014, which is within the
17 five-year statute of repose. Even though the
18 defendant has asserted that it was not Dr. Laczkowski
19 who treated the plaintiff in 2014, the Court accepts
20 all factual allegations of the complaint as true at
21 this stage of the proceedings; and plaintiff filed his
22 negligent claims in regard to the January 2014
23 examination within the statute of limitations.

24 Mr. Stingley has argued that claims arising
25 out of his January 9 of 2009 appointment are not

Note: the dates applied by Judge Yamahiro are fabricated, constituting Misrepresentation of Material Facts of the Case on the Record, and Fraud Upon The Court. Actual Exam Dates (*Jan.19,2009 and Jan.5,2011*) "Do Not Exceed" the "Two Year Bright-Line Rule" set forth by *Westphal v El DuPont*, predicated on "The Plain Meaning Rule", refuting the "Too Attenuated" Ruling constituting Void Orders, warranting Relief pursuant to: WI§806.07(1)(c)(d)(h)(2)

1 enough together.

2 The amount of time that passes between each
3 allegedly negligent act is a primary factor in
4 determining whether there has been a continuum of
5 negligent care pursuant to *Westphal versus E.I. Du*
6 *Pont de Nemours*, 192 Wis. 2d 347. Where it's set
7 forth the test for whether negligent medical care is
8 continuous is, quote, whether a lay person could
9 reasonably conclude that the facts fall within a
10 single unit or occurrence, and whether the actions
11 alleged to be negligent are sufficiently related in
12 time and sequence to constitute a continuous course of
13 negligence.

14 In the *Westphal* case, the Court of Appeals
15 held a two-year gap between allegedly negligent
16 treatment by a doctor and the next time the plaintiff
17 was allegedly negligently treated was not a continuum
18 of negligent treatment. The facts of this case are
19 similar to the *Westphal* case to the extent that the
20 complaint (~~alleges negligent treatment on January 9 of~~
21 ~~2009~~, January 14 of 2011, and January 10 of 2014.

22 There is a two-year gap between the 2009 and
23 2011 treatments. Based on the *Westphal* case, the
24 examinations in this case are too attenuated to
25 establish a continuum of negligent care. There is

15

Note: Undisputed Material Fact, actual vision exam dates, (*Jan.19,2009 and Jan.5,2011*) "Do Not Exceed" the "Two Year Bright-Line Rule" set forth by *Westphal v El DuPont*, predicated on "The Plain Meaning Rule", refuting the "Too Attenuated" Ruling below on (Pg. 26), the Court fraudulently fabricated these date, constituting Fraud Upon The Court, Void Order, warranting Relief

CRAIG L. STINGLEY,

Plaintiff,

v.

HIGHMARK INCORPORATED,
VISION WORKS OF AMERICA,
VISION WORKS, WEST ALLIS,
JOHN P. LACZEKOWSKI, O.D.,

Defendants.

Case No. 17-CV-2791
Medical Malpractice - Code: 30104

ORDER GRANTING IN PART, AND DISMISSING IN PART, DEFENDANTS' MOTION TO DISMISS

This matter having come before the Honorable Glenn H. Yamahiro on June 26, 2017, for a hearing on defendants' Motion to Dismiss, and the plaintiff, Craig L. Stingley, having appeared *pro se*; and the defendants having appeared by their counsel, Cornelle Law Group, LLC, by Attorney John H. Healy;

IT IS HEREBY ORDERED, for the reasons set forth on the record:

1. Defendants' motion to dismiss plaintiff's medical negligence claims under the applicable statute of limitations per Wis. Stat. 893.55(1m) is granted with respect to any claims arising from all acts or omissions on the part of defendants prior to March 22, 2012.
2. Defendants' motion to dismiss plaintiff's medical negligence claims under the applicable statute of limitations per Wis. Stat. 893.55(1m) is denied with respect to any claims arising from all acts or omissions on the part of defendants for treatment rendered to plaintiff in January 2014.

1
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documented CVHC Examination) and January 05, 2011, (a span of one year, three hundred and fifty-one days from Plaintiff's previous exam) September 05, 2012, (a span of one year, two hundred and forty-four days from Plaintiff's previous exam) January 06, 2014, (a span of one year, one hundred and twenty-three days from Plaintiff's previous exam) and January 10, 2014, (a span of four days from Plaintiff's previous exam) while Plaintiff continued to receive CVHC Examinations, performed by Defendants, for the purpose of maintaining vision health, through the performance of testing procedures used by vision health care professionals, for the purpose of detecting, diagnosing and prescribing the standard treatments to prevent and/or manage vision health care maladies, such as the glaucoma condition that was presenting in Plaintiff as verified by current treating vision health care providers, based on elevated IOP Levels, recorded by Defendants during previous CVHC Examinations listed above.

<u>Examination Dates</u>	<u>Time Elapsed Between Examinations</u>
1 - Jan. 19, 2009	initial documented examination
2 - Jan. 05, 2011	716 Calendar Days from last exam
3 - Sept. 05, 2012	609 Calendar Days from last exam
4 - Jan. 06, 2014	488 Calendar Days from last exam
5 - Jan. 10, 2014	last date of signed examination prescription performed by Defendants, Dr. Laczkowski and Vision Works

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E X H I B I T
No. 6
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FILED

05-28-2019

John Barrett

Circuit Court
2017CV002791

1 STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY
2 BRANCH 30

3 CRAIG LaFAYETTE STINGLEY.

4 Plaintiff, CASE NO. 17-CV-002791

5 vs.

6 DR. JOHN LACZKOWSKI OD. et al.

7 Defendant.

8

9 STATUS CONFERENCE

10

11 BEFORE THE HONORABLE JEFFREY A. CONEN,
12 CIRCUIT COURT JUDGE PRESIDING
13 MAY 24, 2019

14

15 APPEARANCES:

16 CRAIG LaFAYETTE STINGLEY, Plaintiff, appeared pro se.

17 JOHN H. HEALY, Attorney at Law, appeared on behalf of
18 the Defendants.

19

20

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22

23

24

25

BONNIE H. DOMASK
Official Court Reporter

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EXHIBIT
No. 7
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1 that. I understand that the concealment is based on
2 the date that Dr. Vincent's information was revealed
3 during that entire process, and it was not --

4 THE COURT: Here's the deal, Mr. Stingley.

5 MR. STINGLEY: Pardon?

6 THE COURT: They said it was destroyed in a
7 flood in 2010. And actually, it was destroyed in 2014.
8 but you didn't ask for it until 2016. So who cares.
9 It was gone before you asked for it. It wasn't
10 concealed, the documents, right?

11 MR. STINGLEY: I would object to that as well.
12 in that there is no evidence that a flood actually
13 destroyed any medical records.

14 In fact, the insurance documents that provides
15 the proof for evidence of a flood states that there was
16 only a half inch to an inch of water in the basement
17 when they arrived.

18 And so to think about that logically, if a box
19 of records are on the floor and they were damaged from
20 a half inch to an inch of water, then there would be,
21 one, some stains.

22 Two, when I think about working in a
23 professional environment and keeping records that are
24 required to be maintained on the floor, they typically
25 would be maintained on the rack which would be more

V.(1) - Judge Conen asserted, Defense Counsel claim "They Said It (Exam Records) Was Destroyed In A Flood in 2010"

V.(2) - Judge Conen asserted of his own volition that "Actually *IT* (Exam Records) Was Destroyed in 2014"

V.(3) - Judge Conen asserted Explicit Partiality and Bias On The Record ("You Didn't Ask For *IT* until 2016, So Who Cares")... Tainted Judicial Machinery Process

V.(4) - Judge Conen asserted of his own volition that "*IT* (Exam Records) Was Gone Before You Asked For *IT* (Constituting Fraud On The Court Assertion)

V.(5) - Judge Conen asserted of his own volition "It (Exam Records) Wasn't Concealed" (Constituting Fraud On The Court Statement)

V.(6) - Judge Conen asserting that Dr. Vincent's Identity, Acts and Omissions were Discovered (April 7, 2016), Fabricated statement falsely Conflating Discovery of Dr. Laczkowski, with Dr. Vincent (May 10, 2017) (Constituting Fraud On The Court)

V.(7) - Judge Conen asserted of his own volition "You Were Requesting The Records For A Specific Purpose, And That Was For Dr. Vincent As Well As Dr. Laczkowski and You Already Knew About It" (Constituting Fraud On The Court)

1 | dismissed with prejudice.

2 I'm done playing games. I've bent over
3 backwards to give you option after option after option.
4 You fight me every single time we come in here with
5 regard to discovery. You continue to waste the Court's
6 time and waste money. I'm just not going to deal with

7 it anymore. I understand you don't have a lawyer, not
8 my problem. Okay? Very good.

9 Thank you. So give him a hearing date on the
10 attorney's fees.

11 | (Discussion had on dates.)

12 MR. HEALY: In addition to 30 days, sir, my
13 understanding was that we will submit the bill of
14 costs. Mr. Stingley will then have 30 days to respond.
15 and then we address the reasonableness at the hearing.

16 | THE CLERK: 60 days for the submission?

17 MR. HEALY: Yeah, 45 to 60.

18 THE CLERK: All right. Do you think it will
19 take more than a half an hour?

20 MR. HEALY: I would error on the side of
21 caution and say yes.

22 THE CLERK: Okay, 2 p.m., Wednesday, July
23 24th

24 MR. HEALY: That works for the defense.

25 | THE CLERK: Mr. Stingley?

**V.(8) - Judge Conen, asserted
"I Told You The Last Time That
You Could Bring Dr. Vincent In
If You Had Something New"
New Evidence presented by
ProSe Petitioner, Exam
Records were Not Destroyed,
but Concealed, Withheld and
Filed May 10, 2017, Discovery
Date for Dr. Vincent,
activating by default the (5)
YSOR Rule Extension
(Constituted by
Presupposition Stipulation
Proffered by the Court)**

V.(9) The Court (Judge Conen) asserted Explicit Partiality and Bias, stating "I Understand You Don't Have A Lawyer, Not My Problem" (*Tainted Judicial Machinery Process*)

Your Medical Record Rights in Wisconsin

(A Guide to Consumer Rights under HIPAA)

Written by
Joy Prills, JD
Nina L. Kudzus
Health Policy Institute
Georgetown University

1. OVERVIEW

Both the *HIPAA Privacy Rule* and Wisconsin law give you rights to your medical record. The *HIPAA Privacy Rule* sets standards that apply to records held by *health care providers* across the nation. Wisconsin law sets standards for records held by medical doctors, optometrists, dentists, hospitals and other health care providers within the state. Most health care providers must follow both the *HIPAA Privacy Rule* and Wisconsin law. If a standard in Wisconsin law conflicts with a standard in the *HIPAA Privacy Rule*, your health care provider must follow the law that is the *most protective* of your rights.

SUMMARY OF YOUR RIGHTS

In Wisconsin, you have the right to:

- See and get a copy of your medical record.
Your health care provider usually must let you see your medical record or give you a copy of it no later than 30 days after they receive your request. This right is called the *right to access* your medical record.



WHO HAS TO FOLLOW THESE LAWS?

Most Wisconsin health care providers (such as medical doctors, optometrists, dentists and hospitals) must follow both the *HIPAA Privacy Rule* and state laws that give patients rights in their medical records.

There are some health care providers, however, that do *not* have to follow the *HIPAA Privacy Rule*. The *HIPAA Privacy Rule* only covers health care providers that use computers to send health information for certain administrative or financial purposes (such as filing claims for insurance).

STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT I

Appeal Case No. 2022AP000947
Circuit Court Case No. 2017CV002791

CRAIG L. STINGLEY, ProSe
PROSE PLAINTIFF-APPELLANT

CASE NO's. : 2017CV002791
vs. **Medical Malpractice - 30104**

HIGHMARK INCORPORATED, ET. AL
DEFENDANTS

AFFIDAVIT OF PRO SE PLAINTIFF-APPELLANT, CRAIG L. STINGLEY

I, the undersigned, ProSe Plaintiff-Appellant, Craig L Stingley, being duly sworn, hereby deposes and states as follows :

1. I am over the age of 18, a Resident Citizen of the State of Wisconsin, and the United States of America, and a ProSe Plaintiff-Appellant, whose Inalienable Constitutional Rights to Life, Liberty, and Pursuits, have been egregiously violated by Highmark Inc. an \$18 Billion a year business entity, the Parent Company of Vision Works of America, a Licensed Health Care Provider in the State of Wisconsin, Ruled as "Proper Parties" to this Medical Malpractice Lawsuit for blatant Breach of Legal Duty resulting in Severe Permanent Vision Loss Injuries, Loss of Employment and Business Development Harm and Emotional Distress Damages.
2. P-Appellant was "Compelled Out Of Necessity and Desperation, to fight rather than Abandon my Constitutional Rights, undisputedly Depriving and Abridging 14th Amendment Equal Protection and Due Process of Law a direct result of the Unconstitutional and Discriminatory CAP on Non-Economic Damages Law **WI§893.55(1d)(b)(4)(a)(d)**, **WI§655.23**, **WI§655.017**, As-Applied and Facially, predicated on the fact that it prohibits Tort Personal Injury Victims of Medical Malpractice, from obtaining skilled Jurist Legal Representation, to litigate Actions by the "Contingency Agreement", in contrast to Tort Personal Injury Victims of Vehicle Accidents, who are "Not Subjected" to a CAP Limit on Non-Economic Damages.
3. To support this argument, I have compiled a partial list, including two (2) "Affidavits" from Law Firms, that declined my request for Representation, as a result of the "CAP on Non-Economic Damages, Punitive Compensation Limits" which is insufficient to cover expenses associated with a Medical Malpractice Litigation, i.e. "Expert Witness Fees", Document Production, Medical Research, Staff Salaries, etc...and Excerpts of stories from Victims of Medical Malpractice Negligence, who could not obtain Legal Counsel.

SCR 20:1.16 Declining Representation

SCR 20:1.16(b)(6) - The representation will result in an "Unreasonable Financial Burden on the Lawyer" or has been rendered unreasonably difficult by the client; or

Declined Legal Representation

A "Direct Result" of WI§893.55(4)(d)(f) ; WI§655.017 CAP on Non-Economic Damages

1. - Habush Habush & Rottier S.C. (P-Appellant spoke directly with Daniel Rottier)
777 E Wisconsin Ave #2300, Milwaukee, WI 53202
2. - Cannon & Dunphy S.C. (P-Appellant signed preliminary case review agreement)
595 N Barker Rd, Brookfield, WI 53045
3. - Murphy & Prachthauser, S.C... (P-Appellant called to request representation)
10200 N Port Washington Rd #201, Mequon, WI 53092
4. - Gebhard Law Office... (P-Appellant called to request representation)
8435 W Burleigh St, Milwaukee, WI 53222
5. - Warshafsky Law Firm... (P-Appellant called to request representation)
839 N Jefferson St #300, Milwaukee, WI 53202
6. - Hupy and Abraham, S.C... (P-Appellant called to request representation)
111 E Kilbourn Ave #1100, Milwaukee, WI 53202
7. - PKSD... (P-Appellant, made request for representation to Atty. Howard Sicula)
1110 N Old World 3rd St Ste 320, Milwaukee, WI 53203
8. - Gingras, Thorsen & Wachs... (P-Appellant called to request representation)
219 N Milwaukee St #520, Milwaukee, WI 53202
9. - Sperling Law Offices LLC... (P-Appellant, attended case review meeting)
100 E Wisconsin Ave Suite 1020, Milwaukee, WI 53202
10. - Samster Konkel & Safran, S.C... (P-Appellant called to request representation)
11063 W Bluemound Rd Suite 205, Wauwatosa, WI 53226
11. - Carlson, Blau & Clemens, SC... (P-Appellant called to request representation)
3535 W Wisconsin Ave, Milwaukee, WI 53208
12. - McLario, Helm, Bertling & Spiegel, S.C... (P-Appellant called about representation)
N88W16783 Main St, Menomonee Falls, WI 53051
13. - Penegor & Lowenberg... (P-Appellant signed preliminary case review agreement)
16655 W Bluemound Rd #190, Brookfield, WI 53005
14. - Washington Franklin Law Offices
10425 W North Ave, Wauwatosa, WI 53226

Medical Malpractice Lawsuits Nearly Impossible to Win in Wisconsin

Study: medical errors claim over 251,000 lives... By: Courtney Gerrish

Posted: 6:19 AM, Jul 09, 2016...Updated: 6:20 AM, Jul 09, 2016

-SEVEN HUNDRED DEATHS A DAY FROM MEDICAL MISTAKES. New research shows how many Americans are dying due to medical errors. I-Team looked into malpractice deaths in Wisconsin and talked to victims who say state laws make it nearly impossible to right the wrongdoing.

-According to new research led by Johns Hopkins, medical errors claim more than 251,000 lives a year, making it the third leading cause of death behind heart disease and cancer. And if medical malpractice happens in Wisconsin, many people affected are blocked from seeking justice because of laws and court rulings.

-Pat Madden-Ripp's husband died five years ago 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 going to be thorough and do what they need to do."

-One of the two doctors who treated Floyd Ripp twice was reprimanded. The Wisconsin Medical Examining Board found Dr. Mon Yee "engaged in unprofessional conduct" and fined him \$935. Left to take care of their farm in Rio alone,

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 UW CASES BECAUSE THE CAP IS SO LOW'" MADDEN-RIPP SAID.

-Wisconsin has limits, or caps, on what people can collect for non-economic damages, like pain and suffering. For UW doctors it's \$250,000. For any other doctor in the state, the limit is \$750,000. (with \$250,000 limit available for Legal Representation and associated Expenses)

-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 caps, state law only allows spouses and minor children to sue.

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

-Over the last 17 years, Medical Malpractice Lawsuits in Wisconsin dropped 50 percent, (Evidence of the Ned Cap Law Objective is to Eliminate or Extinguish Med-Mal Cases) even though state-run Malpractice insurance fund sits at \$1.2 trillion. Created in 1975, doctors pay into the fund, giving them additional malpractice coverage on top of their primary insurance.

-Many trial attorneys, like Daniel Rottier, say THE SYSTEM IN WISCONSIN IS BROKEN. Rottier's firm rarely takes on medical malpractice cases anymore because of the limits on rewards.

-"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, LIMITING PATIENTS has gotten out of whack," Rottier said.

Rottier explained that the money the Mayos received from the fund (\$750K) was used for past and future medical costs, attorney fees plus the expense of bringing the medical malpractice case to trial. Attorney fees and expenses cost about \$2.4 million.

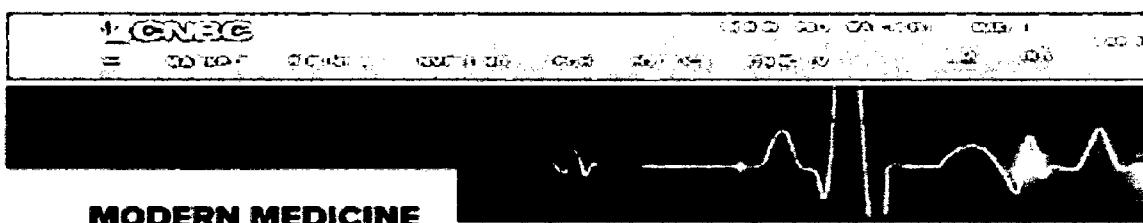
-Madden-Ripp now has grandchildren, a life event her husband never got to experience. She continues to hope for a better system for victims.

-"There should be accountability, there should be some changes made," Madden-Ripp said.

-About 35 states have some sort of damage caps like Wisconsin, but our state consistently ranks as one of the lowest when it comes to paying out on Medical Malpractice claims. As far as the new research that puts medical error as one of the leading causes of death in America, Dr. Dexter doesn't agree with the numbers. He calls it a re-look at older data, and says the definition of medical error used by researchers is overly broad.

According to research led by Johns Hopkins, medical errors claim more than 251,000 lives a year, making it the third leading cause of death behind heart disease and cancer. When Medical Malpractice happens in Wisconsin, many people affected are blocked from seeking Justice because of Laws and Court Rulings.

-Wisconsin's CAP limits, what people can collect for non-economic damages, like pain and suffering, for UW doctors it's \$250,000 and for other doctors in the state, the limit is \$750,000, (Including \$250,000 available for Legal Representation and associated expenses.)



The third-leading cause of death in US most doctors don't want you to know about

Too often, the health-care system silences people around a problem.

The third-leading cause of death in US most doctors don't want you to know about Published Thu, Feb 22 2018 9:31 AM EST; Updated Wed, Feb 28 2018 9:39 AM EST ; Ray Sipherd, special to CNBC.com

A recent Johns Hopkins study claims more than 250,000 people in the U.S. die every year from medical errors. Other reports claim the numbers to be as high as 440,000. Medical errors are the third-leading cause of death after heart disease and cancer. Advocates are fighting back, pushing for greater legislation for patient safety.

Emily Jerry was two years old when she lost her life after a pharmacy technician filled her intravenous bag with more than 20 times the recommended dose of sodium chloride.

"My little angel" is how Christopher Jerry describes his daughter Emily.

At just a year and a half, Emily was diagnosed with a massive abdominal tumor and endured numerous surgeries and rigorous chemotherapy before finally being declared cancer-free. But just to be sure, doctors encouraged Chris and his wife to continue with Emily's last scheduled chemotherapy session, a three-day treatment that would begin on her second birthday.

On the morning of her final day of treatment, a pharmacy technician prepared the intravenous bag, filling it with more than 20 times the recommended dose of sodium chloride. Within hours Emily was on life support and declared brain dead. Three days later she was gone.

Sadly, Emily's case is not unique. According to a recent study by Johns Hopkins, more than 250,000 people in the United States die every year because of medical mistakes, making it the third leading cause of death after heart disease and cancer.

Other studies report much higher figures, claiming the number of deaths from medical error to be as high as 440,000. The reason for the discrepancy is that physicians, funeral directors, coroners and medical examiners rarely note on death certificates the human errors and system failures involved. Yet death certificates are what the Centers for Disease Control and Prevention rely on to post statistics for deaths nationwide.

The authors of the Johns Hopkins study, led by Dr. Martin Makary of the Johns Hopkins University School of Medicine, have appealed to the CDC to change the way in which it collects data from death certificates. To date, no changes have been made, Makary said.

'The system is to blame'

"It's the system more than the individuals that is to blame," Makary said. The U.S. patient-care study, which was released in 2016, explored death-rate data for eight consecutive years. The researchers discovered that based on a total of 35,416,020 hospitalizations, there was a pooled incidence rate of 251,454 deaths per year — or about 9.5 percent of all deaths — that stemmed from medical error.

Now, two years later, Makary said he hasn't seen the needle move much.

What patients can do to protect themselves

According to Dr. John James, a patient-safety advocate and author of *A Sea of Broken Hearts: Patient Rights in a Dangerous, Profit-Driven Health Care System*, patients need to take charge.

In 2002 James lost his 19-year-old son after he collapsed while running. He had been diagnosed with a heart arrhythmia by a cardiologist a few weeks prior and was released from the hospital with instructions not to drive for 24 hours.

"His death certificate said he died of a heart arrhythmia," he said, but my son really died as a result of "uninformed, careless, and unethical care by cardiologists." He explained: "If you have a patient with heart arrhythmias of a certain level and low potassium, you need to replace the potassium, and they did not. And they didn't tell him he shouldn't go back to running." Communication errors, he said, are "unfortunately very common."

In 2014 James retired early to devote his life to improving patient safety. His mission: to teach people how to be empowered patients. He has created a patient bill of rights, which he's been pushing to become federal law. Yet so far he said his letters to the Centers for Medicare & Medicaid Services have gone unanswered.

"Makary has a lot of courage," James said. "A lot of the retired doctors will tell you it's a mess and it's terrible. But for a young physician to come out and say what he did, that's pretty bold. Makary is a brave guy."

"Too often, the health-care system silences people around a problem".
Dr. Martin Makary, surgical oncologist and chief of the Johns Hopkins Islet Transplant Center

Here are some other ways patients can be vigilant right now:

Seek a second opinion. If the situation warrants or if uncertainties exist, get a second opinion from another doctor: A good doctor will welcome confirmation of his diagnosis and resist any efforts to discourage the patient from learning more — or what Makary calls, "attempts to gag the patient."

"Too often," he said, **THE HEALTH-CARE SYSTEM SILENCES PEOPLE AROUND A PROBLEM.**
Why? Many doctors are reluctant to speculate, but some admit the answers range from simple ego to losing a patient to another doctor they trust more.

— By Ray Sipherd, special to CNBC.com

Dated this 10th day of October, 2022



Craig L. Stingley

NOTARY ACKNOWLEDGEMENT

STATE OF WISCONSIN, COUNTY OF MILWAUKEE, ss:

This Affidavit was acknowledged before me on this 10th day of October, 2022, by ProSe Plaintiff-Appellant, Craig L. Stingley, who being first duly sworn on oath according to law, deposes and states that he has read the foregoing Affidavit subscribed by him, and that the matters stated herein are true to the best of his information, knowledge and belief.



Notary Public

PLFO

Title (and Rank)

My commission expires 05/02/2025



1 STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY
1 BRANCH 36

3 | CRAIG LAFAYETTE STINGLEY.

Plaintiff,

-VS-

Case No. 17-CV-2791

6 DR. J. LACZKOWSKI, O.D. and
VISION WORKS WEST ALLIS,

Defendants.

STATUS CONFERENCE

11 September 14, 2017

HONORABLE GLENN H. YAMAHIRO
Circuit Judge, Presiding

14 APPEARANCES.

18 JOHN H. HEALY, ESQ.
19 7618 Westward Way
20 Madison, WI 53717
21 appearing on behalf of the Defendant.
22 (815) 541-1134

25 Joannna Roepp - official court reporter.

**SCOTUS
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No. 10
Pg. 29 & 30**

1 know --

2 MR. STINGLEY: I've been told specifically by
3 several that it's the amount of money available in the
4 cap that is preventing them from -- I had signed up
5 with two firms. They looked at the cap and came back
6 and said, we can't do it based on that dollar figure.
7 That is the whole --

8 THE COURT: Okay.

9 MR. STINGLEY: But I would request, as you
10 mentioned if I understand you correctly, that I'd be
11 able to pursue additional details in answering the
12 motion for summary judgment.

13 THE COURT: You mean discovery.

14 MR. STINGLEY: Discovery. Correct.

15 THE COURT: Right.

16 MR. STINGLEY: I meant the details in
17 relation to discovery. So -- and then also to pursue
18 the purpose for which I filed the amended complaint to
19 address the other dates that were in question in the
20 original complaint as you stated in a previous
21 hearing; and I do believe that I will be able to show
22 cause for that information to be admitted.

23 So as you listed here, I will address that in
24 my motion, I believe, or opposition to the summary
25 judgment, unless that is not the proper way. Then I

Evidence that
Petitioner Informed
the Court that the
Unconstitutional
Medical
Malpractice Non-
Economic Damages
CAP Law Abridged
14th Amendment
States Action
Clause to obtain
Legal Counsel

Jeffrey A. Pitman
Board Certified Civil Trial Attorney
At the Noyes/Blodgett Law Offices
Formerly of the U.S. Air Force

Howard S. Sicula

M. Angela Dentice
Richard G. Kalkhoff
Chair/Committee

PKSD

PITMAN, KALKHOFF, SICULA & DENTICE
1110 N. Old World 3rd Street • Suite 320 • Milwaukee, WI 53203
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Patrick C. O'Neill
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Associate
Luke D. Mayefski
Katherine E. Metzger

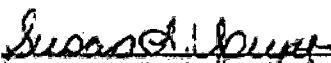
AFFIDAVIT OF HOWARD S. SICULA

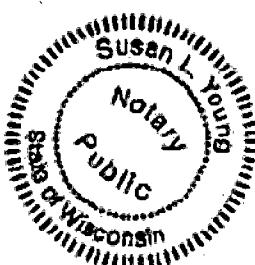
Howard S. Sicula, being first duly sworn on oath, states as follows:

1. I am an attorney with Pitman, Kalkhoff, Sicula & Dentice, S.C.
2. That Craig Stingley sought representation from the Pitman, Kalkhoff, Sicula & Dentice, S.C. law firm regarding a medical negligence claim pertaining to his eyesight;
3. That our law firm declined to represent him on his eyesight medical negligence matter;
4. That our law firm does not handle Wisconsin medical negligence matters with one of the main reasons for declining such matters being the cap on non-economic damages.

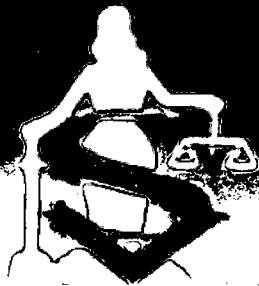

Howard S. Sicula

Subscribed and sworn to before me this
12th day of August, 2021


Susan L. Young
Notary Public, State of Wisconsin
My Commission Expires: 2/18/23



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EXHIBIT
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THE SWANIGAN FIRM

866-603-5239 | 425 W. Capitol Ste 1533 Little Rock, AR 72201

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

AFFIDAVIT OF ATTORNEY VERONA SWANIGAN

1. Attorney Verona Swanigan, do swear under oath that the following is true and correct:

1. I am an attorney with The Swanigan Firm.
2. That Craig Stingley sought representation from The Swanigan Firm regarding a medical malpractice negligence claim pertaining to his vision loss;
3. That our law firm declined to represent Craig Stingley in the vision loss medical malpractice negligence matter;
4. That our law firm has determined the oppressive and limit on non-economic damages law to be arbitrary and not equitably considerate of the extensive cost associated with extended litigation typically required for medical malpractice negligence matters and the extreme expense of medical bills and expert costs required to prove the elements of the claim and to get the claim filed properly;
5. That our law firm has determined that Wisconsin's medical malpractice negligence matters are not economically feasible with the primary reason for declining such matters being the insufficient legal counsel compensation and the cost of litigation. The limits have allowed the medical field to

866-603-5239 | 425 W. Capitol Ste 1533 Little Rock, AR 72201

carry on with no checks and balances from the public and is a violation of public policy and health and safety for the community.

This 10th day of September, 2022.

FURTHER AFFIANTS SAYETH NOT.

Respectfully Submitted:

By:

Verona Swanigan, Esq. ABN92017012
425 W. Capitol Rd. #1533
Little Rock, AR 72201
866-603-5239 phone/fax

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

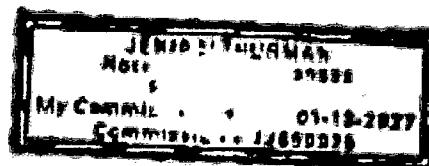
On this day Verona Swanigan, Esq. appeared before me, the undersigned, Notary Public, within and for the county and state aforesaid, duly commissioned and acting. Verona E. Swanigan, to me well known as attorney for the Petitioner, and stated and acknowledged that they had executed, signed, sealed and delivered the above Affidavit for the uses and purposes therein mentioned and set forth.

Dated this 10th day of September 2022.

Jewell Thurman
NOTARY PUBLIC

My Commission expires: 01/13/2027

2



Your Medical Malpractice Case [Email Copy]

Edward E. Robinson erobinson@c-dlaw.com August 23, 2022 ; 4:07 PM

Mr. Stingley,

In follow up on the telephone conversation we had yesterday, this will confirm that you contacted our office back in August of 2016, six years ago, regarding a potential medical malpractice case involving vision loss. At that time, you spoke to Attorney Al Foeckler, who advised you we could not take on your case. I spoke to Mr. Foeckler, and because this conversation occurred six years ago, we cannot recall all of the details as to why we declined to take on your case. We are, therefore, uncomfortable setting forth all of those reasons. The bottom line was that we declined to take on your case.

Thank you for reaching out to us, and I wish you the best of luck.

Edward E. Robinson
Cannon & Dunphy, S.C.
595 N. Barker Road
P.O. Box 1750
Brookfield, WI 53008-1750
Phone: 262-796-3705
Facsimile: 262-796-3715
<http://www.cannon-dunphy.com>

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Respectfully Submitted

Dated at Milwaukee, WI
this 6th day of December, 2024

Craig L. Stingley,
7846 N Sherman Blvd
Brown Deer, WI. 53209



ProSe Petitioner