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**DISTRICT I**

March 5, 2024

To:

Hon. William Sosnay  
Circuit Court Judge  
Electronic Notice

John H. Healy  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Appeals Division  
Electronic Notice

David J. Pliner  
Electronic Notice

Craig LaFayette Stingley  
Electronic Notice

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

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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).<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> See *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

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<sup>2</sup> 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.<sup>3</sup> 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. M.C.*, 146 Wis. 2d 377, 394, 432 N.W.2d

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<sup>3</sup> 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. *Waushara Cnty. 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.*

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.

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*Samuel A. Christenson*  
*Clerk of Court of Appeals*