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DISTRICT IV

August 8, 2024

To:

Hon. Rhonda L. Lanford
Circuit Court Judge
Electronic Notice

Jeff Scott Olson
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Glendale Stewart
Electronic Notice

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

2023AP512

Glendale Stewart v. Richard F. Rice (L.C. # 2023CV350)

Before Kloppenburg, P.J., Blanchard, and Nashold, JJ.

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).

Glendale Stewart, pro se, appeals a circuit court order that dismissed his action against Richard F. Rice and Fox & Fox, S.C. (collectively, “the defendants”). Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We summarily affirm.

Stewart filed a legal malpractice action against the defendants in 2011, related to their representation of him on discrimination claims from 2007 to 2009. Stewart’s claims were

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

dismissed on summary judgment. Stewart proceeded to pursue these same claims against the defendants in subsequent actions in state and federal court, without success.

Stewart filed this action against the defendants in February 2023. The complaint was titled “Independent Action to Vacate Judgment Procured by Fraud on the Court,” and sought to vacate the order that granted summary judgment to the defendants and dismissed Stewart’s malpractice claims against them. Stewart alleged that the defendants procured the summary judgment ruling by committing fraud on the court.

The defendants moved to dismiss the complaint. They argued that Stewart had failed to comply with prior circuit court orders that imposed sanctions limiting Stewart’s right to pursue legal actions against them. First, they cited an April 2014 order issued by Judge Ellen Berz, Dane County Circuit Court, Branch 11, that imposed a sanction against Stewart for filing a frivolous complaint “in a pattern of conduct intended to harass” the defendants, enjoining him “from filing any complaint, action or case in circuit court against [d]efendants, individually or jointly, that relate or involve, in any way and to any degree, [d]efendants’ representation of Stewart between 2007 and 2009 on discrimination claims.” Second, they cited a July 2020 order, issued by Judge Jacob Frost, Dane County Circuit Court, Branch 9, again imposing a sanction against Stewart for filing a frivolous complaint, prohibiting him from filing a new action against the defendants unless he “first secures the approval of Branch 9 PRIOR to doing so.” The court in this action, Judge Rhonda L. Lanford, Dane County Circuit Court, Branch 16, determined that Stewart’s current action is barred by the prior circuit court orders, and on that basis dismissed this action on March 6, 2023.

Stewart argues that Judge Lanford erred by dismissing his current action against the defendants. He contends that the current action does not violate the April 2014 order because it is not based on the defendants' legal representation of him from 2007 to 2009, but rather alleges that the defendants committed fraud against the court. However, Stewart does not dispute that the July 2020 order requires him to obtain permission from Dane County Circuit Court, Branch 9, before filing a new lawsuit against the defendants, and that he failed to obtain that permission before initiating this action.² Because Stewart failed to obtain permission from Branch 9 before initiating this action, as required by the July 2020 order, the court properly dismissed the action.³

Therefore,

² Stewart makes various arguments in his briefs that are outside the scope of this appeal. For example, Stewart argues that the circuit courts erred by imposing sanctions against him in the April 2014 and July 2020 orders. However, this appeal is from the court's March 2023 order dismissing this action because it was contrary to prior court orders. Accordingly, the only issues in this appeal relate to that order. Stewart's challenges to prior final court orders are not part of this appeal, and we do not consider them. *See* WIS. STAT. RULE 809.10(4). Additionally, because we conclude that the court properly dismissed this action based on Stewart's failure to obtain the required permission before initiating it, we do not address Stewart's arguments as to the merits of his claim to vacate the summary judgment order based on fraud on the court.

Separately, we note that, while Stewart argues that he should not be barred entirely from pursuing legal claims against the defendants, the sanction orders are not blanket bars to Stewart's access to the courts to sue the defendants. Rather, the April 2014 order prohibits Stewart from relitigating claims related to the defendants' 2007 to 2009 representation of him, and the July 2020 order requires Stewart to obtain approval from Branch 9 prior to filing a new lawsuit against them on any topic. Thus, as the defendants point out, Stewart could seek and obtain permission from Branch 9 to sue the defendants if, for example, he were involved in a car accident with them, and the circuit court's decision as to whether Stewart could pursue that complaint would be subject to review on appeal.

³ Our conclusion that Stewart's current action is barred by the July 2020 order is dispositive, and we therefore need not address whether the action is also barred by the April 2014 order.

IT IS ORDERED that the order is summarily affirmed pursuant to 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