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DISTRICT II

March 1, 2017

To:

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

2016AP40

William J. Craig v. Village of Big Bend (L.C. #2015CV723)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

William J. Craig, Carol J. Craig, Sharon Roder, Keith Roder, and Jerome Washicheck (collectively, the appellants) appeal pro se from an order dismissing their action against the Village of Big Bend. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2015-16).¹ We affirm the order of the circuit court. In doing so, we adopt and incorporate by reference a portion

of it as our decision.² *See* WIS. CT. APP. IOP VI(5)(a) (Nov. 30, 2009) (court of appeals may adopt circuit court opinion).

This case arises from a dispute over the transfer of cemetery grounds located in Waukesha County. In February 2014, the Rural Home Cemetery Association transferred title to its grounds to the Village of Big Bend, which later annexed the property. The transfer had been approved by the Wisconsin Department of Safety and Professional Services' Cemetery Board.

In May 2014, thirty-four individuals who claimed to be plot holders at the cemetery, including the appellants, filed an action to challenge the transfer of grounds ("Craig I"). They alleged various claims against multiple defendants, including the Village of Big Bend and some of its officers/employees. Among other things, they sought dissolution and reorganization of the Rural Home Cemetery Association in an attempt to void the transfer.³ The circuit court ultimately dismissed the action. There was no appeal of that decision.

In April 2015, the appellants filed another action against the Village of Big Bend to challenge the transfer of grounds ("Craig II"). Again, they sought dissolution and reorganization of the Rural Home Cemetery Association in an attempt to void the transfer. Again, the circuit court dismissed the action. This appeal follows.

¹ All references to the Wisconsin Statutes are to the 2015-16 version.

² We adopt and incorporate by reference the circuit court order of November 16, 2015, only as to its claim preclusion analysis. Because that analysis is dispositive, we need not address its other reasons for dismissing the action (i.e., issue preclusion, failure to exhaust administrative remedies, and statute of limitations).

³ The dissolution and reorganization requests were based upon the Rural Home Cemetery Association's alleged failure to hold valid elections in years before the transfer.

In its order to dismiss, the circuit court concluded that the doctrine of claim preclusion barred the Craig II action. It reached that conclusion after a careful review of the pleadings in the two actions and a thorough discussion of the claim preclusion elements. We agree with its analysis. Accordingly, we adopt and incorporate by reference that portion of the circuit court order as our decision.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals