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**DISTRICT III**

October 30, 2018

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

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2017AP1119

Margaret Bach v. St. Vincent Hospital (L. C. No. 2015CV735)

Before Stark, P.J., Hruz and Seidl, 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).**

Margaret Bach, pro se,<sup>1</sup> appeals a determination, after remand, of the costs, fees, and reasonable attorney fees that defendants Life Navigators, Inc., Denice Mader, and Lynn Wagner incurred in connection with *Bach v. St. Vincent Hospital*, No. 2015AP1221, unpublished slip op. (WI App Nov. 29, 2016). 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 (2015-16).<sup>2</sup>

Bach has previously filed a near-constant stream of litigation in an attempt to overturn guardianship and placement decisions regarding her son. This eventually prompted the Milwaukee County Circuit Court to enter an order on October 16, 2012, prohibiting Bach from filing further state and federal court actions related to her son without its approval. *See id.*, ¶4. In case No. 2015AP1221, we summarized in some detail the involved underlying procedural history. We noted that Bach had filed a complaint in that matter without advising the circuit court that the Milwaukee County Circuit Court had entered the October 16, 2012 order enjoining Bach from further filings. *Id.* Bach conceded she had not received authorization to file her action. We also ascertained that Bach had never appealed the October 16 order. *Id.*, ¶5.

In our decision on appeal of case No. 2015AP1221, we concluded there was no arguable merit to any of Bach's claims, and that Bach was simply mounting a collateral attack on the validity of the October 16, 2012 order. *Id.*, ¶11. We determined that "sanctions are now warranted, as repeated cautions and admonitions have proven ineffective to cease the waves of

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<sup>1</sup> Although Bach is representing herself, it appears she was a member of the Wisconsin State Bar until her resignation effective January 22, 2018.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

litation from Bach that continuously batter this court’s shore.” *Id.*, ¶18. We observed that the Seventh Circuit Court of Appeals had already imposed monetary sanctions and a bar on filing in response to Bach’s “[r]efusal to take no for an answer” and her “campaign of unending litigation.” *Id.* Accordingly, we sanctioned Bach under WIS. STAT. RULE 809.25(3) for filing a frivolous appeal. *Id.*, ¶¶14-18. Furthermore, to make the sanctions effective, and in recognition of Bach’s repeated attempts to litigate the same matters—unsuccessfully and frivolously—we also barred Bach “from commencing proceedings in this court and the circuit court (*any* Wisconsin court) arising from, relating to, or involving her son’s custody, care or treatment until the costs, fees, and reasonable attorney fees (as determined by the circuit court) are paid in full.” *Id.*, ¶18. We therefore remanded the matter to the circuit court “for a determination of the costs, fees, and reasonable attorney fees incurred by the respondents as a result of this appeal.” *Id.*, ¶1. Bach now appeals from the circuit court’s determination of that amount.

The issue in the present appeal is limited to whether the amount of the fees, costs and attorney fees awarded by the circuit court on remand was reasonable. The circuit court’s determination of the amount of fees will be upheld unless the court erroneously exercised its discretion. *Lucareli v. Vilas Cty.*, 2000 WI App 157, ¶13, 238 Wis. 2d 84, 616 N.W.2d 153.

Bach did not object to the reasonableness of the fees in the circuit court, nor did she dispute that Life Navigators’ counsel actually spent the time detailed in the supporting affidavit. Issues not addressed are deemed forfeited. See *Reiman Assocs., Inc. v. R/A Advert., Inc.*, 102 Wis. 2d 305, 306 n.1, 306 N.W.2d 292 (Ct. App. 1981).

In any event, the circuit court appropriately found the requested fees, costs, and attorney fees to be reasonable after carefully reviewing the submissions “line by line.” (R66:7-8) The

court noted the case presented “novel issues and a great deal of time-intensive efforts to manage the case ....” Generally, a circuit court has the expertise to evaluate the reasonableness of the fees with regard to the services rendered. *Id.*, ¶12. The record supports the court’s proper exercise of discretion in this instance.

At the circuit court hearing on the reasonableness of the fees, Bach limited her argument to the authority to award fees at all. Specifically, she argued we erred by sanctioning her under WIS. STAT. RULE 809.25(3). According to Bach, “[s]ince this case and appeal involve [WIS. STAT.] chapters 51 and 55, [WIS. STAT. RULE] 809.30 applies for appeals, and does not allow for attorney fees.” In addition, Bach argued in her briefing to the circuit court upon remand that pro bono services precluded the award of attorney fees; that new evidence required re-opening the matter; and that requiring fees to be paid before Bach could access the courts violated her constitutional rights.

However, the authority to award the fees has already been litigated. Our decision awarding attorney fees in the prior appeal is the law of the case and cannot be revisited in a subsequent appeal. *See State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991). As with her prior appeals, Bach attempts to use this appeal to relitigate settled matters and collaterally attack the October 16, 2012 order. Additionally, as we noted in case No. 2015AP1221, some of Bach’s arguments are underdeveloped and designed to tug at the reader’s heartstrings. Regardless, we conclude none of the issues currently raised by Bach in the present appeal are properly before us.

Finally, we once again admonish Bach that future refusals to comply with the October 12, 2016 order (or any other court order) may result in sanctions, including dismissal of the appeal or imposition of costs or other penalties. *See* WIS. STAT. RULE 809.83(2).

IT IS ORDERED that the 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*