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DISTRICT II

January 28, 2026

To:

Hon. David W. Paulson
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Clayton Patrick Kawski
Electronic Notice

Martin Hying
9300 Luane Drive
Mount Pleasant, WI 53406

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

2024AP2320

Martin Hying v. Dennis Flynn (L.C. #2024CV1032)

Before Gundrum, Grogan, and Lazar, 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).

Martin Hying, pro se, appeals a circuit court order that dismissed his lawsuit against reserve Judge Dennis Flynn based, in part, on the doctrine of claim preclusion. 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 (2023-24).*¹ We affirm.

Flynn, in his capacity as a reserve judge, made certain decisions and orders in Hying's divorce case, Milwaukee County Circuit Court Case No. 2006FA6891. Hying objected to those

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

determinations, and he filed actions against Flynn in state and federal court that challenged Flynn's exercise of judicial authority in the divorce case. *See Hying v. Flynn*, Racine County Circuit Court Case No. 2020CV1265; *Hying v. Hodes*, No. 23-CV-1361-JPS (E.D. Wis. May 8, 2024); *Hying v. Flynn*, No. 21-CV-1129-BHL (E.D. Wis. Mar. 17, 2022); *Hying v. Ashley*, No. 16-CV-313 (E.D. Wis. Mar. 1, 2017). As to Flynn, all of Hying's cases were dismissed. *Id.*

Hying thereafter brought the underlying action against Flynn, again challenging his authority to act as a judge in Hying's divorce case. Flynn moved to dismiss, in part, on the basis of claim preclusion. Following briefing and argument, the circuit court granted Flynn's motion and dismissed the case. Hying appeals.

The doctrine of "claim preclusion prevents relitigation of 'all matters which were litigated or which might have been litigated in the former proceedings.'" *Clarke v. WEC*, 2023 WI 79, ¶46, 410 Wis. 2d 1, 998 N.W.2d 370 (citation omitted). It is "designed to draw a line between the meritorious claim on the one hand and the vexatious, repetitious and needless claim on the other hand." *Northern States Power Co. v. Bugher*, 189 Wis. 2d 541, 550, 525 N.W.2d 723 (1995) (citation omitted). Claim preclusion has three requirements: "(1) an identity between the parties or their privies in the prior and present suits; (2) an identity between the causes of action in the two suits; and, (3) a final judgment on the merits in a court of competent jurisdiction." *Id.* at 551. We review de novo whether claim preclusion applies to a factual scenario. *Id.*

In this case, we agree with the circuit court that the elements of claim preclusion have been satisfied. First, there is identity between the parties. *See id.* Hying has named Flynn in each of his four previous cases as well as in this case.

Second, there exists an identity of causes of action or claims between the previous proceedings and those presently before us. *See id.* at 553. Wisconsin uses a “transactional approach to determin[e] whether two suits involve the same cause of action.” *Id.* Under the transactional approach, when a final judgment extinguishes the plaintiff’s claim, ““the claim extinguished includes all rights of the plaintiff to remedies against the defendant with respect to all or any part of the transaction, or series of connected transactions, out of which the action arose.”” *Id.* (citation omitted). Here, Hying’s complaints against Flynn both in the previous cases and the current one derive from his divorce case and Flynn’s actions in that case.

Last, there is no dispute that a final judgment on the merits of Hying’s claims against Flynn has been entered. The docket entries² from Racine County Circuit Court Case No. 2020CV1265 reflect the circuit court issued a dismissal order on October 23, 2020. The Record in this case also reflects that the United States District Court for the Eastern District of Wisconsin dismissed two of Hying’s cases against Flynn completely, and it dismissed Flynn as a party from the third case. *See Hying*, No. 23-CV-1361-JPS at 32; *Hying*, No. 21-CV-1129-BHL at 3; *Hying*, No. 16-CV-313 at 13.

Because all of the elements of claim preclusion have been satisfied, the circuit court properly applied the doctrine to bar Hying’s current action against Flynn. We affirm the court’s dismissal of Hying’s action against Flynn on that basis. Further, because we conclude the circuit court properly dismissed Hying’s action based on claim preclusion, we do not address whether

² We can take judicial notice of CCAP records under WIS. STAT. § 902.01. *See Kirk v. Credit Acceptance Corp.*, 2013 WI App 32, ¶5 n.1, 346 Wis. 2d 635, 829 N.W.2d 522; *OLR v. Hudec*, 2019 WI 39, ¶32, 386 Wis. 2d 371, 925 N.W.2d 540 (per curiam).

the circuit court properly dismissed Hying's case based on application of other legal doctrines or the underlying merits of Hying's action against Flynn. *See State v. Blalock*, 150 Wis. 2d 688, 703, 442 N.W.2d 514 (Ct. App. 1989) (cases are decided on narrowest possible ground).

Finally, Hying asserts that the circuit court was biased against him because the court referred to Flynn as "Judge Flynn" and because Flynn purportedly filed an "unmodified final order before the [dismissal] hearing even occurred."³ These judicial bias arguments, however, are undeveloped, and we do not consider them further. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we do not address undeveloped arguments); *see also Industrial Risk Insurers v. American Eng'g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 ("[W]e will not abandon our neutrality to develop arguments" for the parties.). Therefore,

IT IS ORDERED that the order of the circuit court 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*

³ The Record does not support Hying's assertion that Flynn submitted a proposed order to dismiss the case before the scheduled motion hearing. Instead, the docket entries indicate the proposed order for dismissal was filed *after* the October 22, 2024 motion hearing.