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**DISTRICT I/IV**

December 30, 2014

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

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2013AP1758

In re the Guardianship of Aaron B.: Margaret Bach v. Life Navigators, Inc. (L.C. # 2006GN501)

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

Margaret Bach appeals a letter from the circuit court informing her that the court had: (1) instructed court reporters to stop preparing transcripts Bach had ordered in that the court, which were deemed to be a violation of an injunction barring Bach from having access to her disabled adult son's medical or court records; and (2) directed the court reporters to refund to Bach only those funds that had not yet been expended in the production of the requested

transcripts. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).<sup>1</sup> We affirm.

Setting aside questions about whether the circuit court's letter constituted a final order for the purposes of appeal, Bach has not persuaded us that the circuit court erred either as a matter of law or in the exercise of its discretion. Bach sets forth five issues in her statement of issues that do not directly correspond to the headings or subheadings in the argument section of her brief, making it difficult to discern the precise nature of all her claims. Generally speaking, Bach asserts a series of legal propositions, some of which are indisputable (for instance, that litigants have a due process right to transcripts and access to the record in order to conduct meaningful appeals, that various exceptions to judicial immunity exist, that claims arising from the same set of facts may be joined, and that necessary parties may be added to civil lawsuits) and others of which are dubious (such as that litigants are entitled to appeal state circuit court decisions to federal court by means of § 1983 actions and that a court reporter's certification on a statement on transcript creates a legally enforceable contract), but utterly fails to show that any those propositions are applicable to the situation here.

As a threshold matter, we note that Bach fails to identify the proceedings for which she was seeking transcripts. Based upon docket entries and documents in the appellate record, we surmise that Bach requested transcripts for a hearing held May 23, 2012, on the annual *Watts* review of her son's protective placement; a hearing held July 25, 2012, on Bach's own motion for modification of her son's protective placement; and a hearing held October 16, 2012, on a

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

motion filed by the guardian of Bach's son to enjoin Bach from certain actions alleged to be interfering with the protective placement. All of these proceedings were conducted under the caption of Case No. 06-GN-501—that is, Bach's son's guardianship and protective placement case. This context is significant because proceedings in guardianship cases are confidential by statute, and this court has previously upheld determinations that, because she is not her son's guardian, guardian ad litem, or adversary counsel, Bach has no standing in the guardianship case, no right to review his confidential legal or medical records, and no right to assert any legal claims on his behalf. See *Bach v. County of Milwaukee*, 2012AP1176 (order issued August 3, 2012).

In this context, we flatly reject Bach's initial contention that the requested transcripts were not "court records" subject to the court's prior rulings. Each of the transcripts related in some manner to confidential protective placement proceedings, and, if produced, would have been filed in the circuit court file under the caption for the guardianship case. Requesting that a transcript be produced provides no less access to confidential material than asking to view a transcript that has already been filed.

We similarly reject Bach's claim that she has a due process right to the transcripts. Because Bach is not a party to the guardianship case and did not file an appeal in state court from orders relating to the 5/23/12, 7/25/12 or 10/16/12 hearings, the transcripts are not necessary to provide her with a meaningful state appeal related to those hearings. To the extent that Bach wanted access to transcripts of the confidential state court proceedings in order to obtain materials for litigation in federal court, it would be for the federal court to determine whether there was any due process or other constitutional basis to issue a discovery order overriding the

state court's injunction barring Bach from having access to her son's confidential legal and court records.

In sum, the circuit court was entirely within its authority to enforce its prior order that Bach be enjoined from obtaining access to court records from her son's confidential guardianship and protective placement case by directing court reporters to not provide Bach with transcripts documenting hearings held in that case. It was also a reasonable exercise of discretion for the court to require Bach to compensate the court reporters for the time they had already spent working on transcripts that Bach had requested in violation of a court order.

Bach's additional arguments regarding joinder of claims, addition of necessary parties, and the parameters of judicial immunity from contract and tort claims are completely inapposite because this is not an appeal from a civil lawsuit seeking damages or injunctive relief. As we have explained above, the subject of this appeal is a letter order that was issued in a guardianship case to enforce prior, unappealed rulings made in that case. A guardianship case is a special proceeding involving a subject rather than a civil lawsuit between adversarial parties.

IT IS ORDERED that the circuit court's order is summarily affirmed under WIS. STAT. RULE 809.21(1).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*