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DISTRICT III

July 1, 2025

To:

Hon. Rick T. Cveykus
Circuit Court Judge
Electronic Notice

Douglas S. Knott
Electronic Notice

Kelly Schremp
Clerk of Circuit Court
Marathon County Courthouse
Electronic Notice

Daniel J. Noonan
Electronic Notice

Ludmyla Carlborg
Electronic Notice

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

2024AP248

Ludmyla Carlborg v. Mount View Care Center
(L. C. No. 2022CV401)

Before Stark, P.J. Hruz, and Gill, 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).

Ludmyla Carlborg¹ appeals from an order that denied her motion for relief from a judgment. Based upon our review of the briefs and record, we conclude at conference that this

¹ Because the appellant shares a last name with her deceased husband, we will refer to them using their first names.

case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).² We dismiss the appeal for lack of jurisdiction.³

This appeal arises out of a medical malpractice lawsuit that Ludmyla and her husband Kenneth Carlborg brought against Mount View Care Center for injuries Kenneth allegedly suffered while a resident at Mount View. The circuit court dismissed the lawsuit on May 23, 2023, after Kenneth passed away, and the court found that no proper motion for substitution of a new party for Kenneth had been filed within the statutory time period. Ludmyla filed a pro se notice of appeal from that decision, which we dismissed because Ludmyla lacked the legal authority to initiate an appeal on behalf of Kenneth or his estate. *See Carlborg v. Mount View Care Ctr.*, No. 2023AP1186, unpublished op. and order (WI App Sept. 7, 2023). On October 27, 2023, our supreme court dismissed Ludmyla’s petition for review, reiterating that Ludmyla could not represent the estate in either her personal capacity or in her capacity as a personal representative because her doing so would constitute the unauthorized practice of law.

Ludmyla next filed a motion in the circuit court seeking relief from the dismissal of Kenneth’s medical malpractice claims pursuant to WIS. STAT. § 806.07(1)(b) or (c). The court denied the motion for relief on January 10, 2024, and further denied reconsideration on January 29, 2024.

² All references to the Wisconsin Statutes are to the 2023-24 version.

³ Because we dismiss this appeal for lack of jurisdiction, we do not consider the other issues briefed by the parties. *See State v. Blalock*, 150 Wis. 2d 688, 703, 442 N.W.2d 514 (Ct. App. 1989) (holding that cases should be decided on the “narrowest possible ground”).

On February 2, 2024, Ludmyla filed another pro se notice of appeal seeking review of the order denying her motion for relief from the May 23, 2023 order. Ludmyla again asserted that she had the authority to bring the appeal in her capacity as the administrator and sole beneficiary of Kenneth's estate. Despite captioning the appeal under her own name, however, Ludmyla has not identified any personal claims in this appeal that are not derived from her husband's estate.⁴

As we informed Ludmyla in her prior appeal, only a lawyer can act on behalf of an estate. See *Ditech Fin., LLC v. Estate of Stacey*, 2018 WI App 18, ¶10, 380 Wis. 2d 447, 909 N.W.2d 180 (a nonlawyer personal representative of an estate has no authority to sign the notice of appeal to commence an appeal). This is true regardless of whether, as Ludmyla contends, she is the sole beneficiary of the estate and she has been appointed personal representative of Kenneth's estate. No person may practice law in this state without first obtaining a license to do so. WIS. STAT. § 757.30(1). The unauthorized practice of law includes making an appearance before a court of record on behalf of another person or entity, performing legal services, or rendering legal advice for compensation or pecuniary reward. Sec. 757.30(2). Because state law prohibits any person who is not an attorney from signing pleadings on another's behalf, "[a] person not admitted to practice law has no authority to sign a pleading on behalf of another to invoke this court's jurisdiction." *Ditech Fin.*, 380 Wis. 2d 447, ¶10; see also *Jadair Inc. v. United States Fire Ins. Co.*, 209 Wis. 2d 187, 205-13, 562 N.W.2d 401 (1997) (thoroughly discussing why a lawyer must sign a notice of appeal on behalf of a corporation).

⁴ On October 6, 2023, Ludmyla filed a notice of voluntary dismissal concerning her personal claim for loss of consortium. On January 10, 2024, the circuit court accepted the notice of voluntary dismissal and dismissed that claim.

Because the notice of appeal in this case was not properly signed by an attorney, it is fundamentally defective, and this court lacks jurisdiction to consider the claims of Kenneth, his estate, or his trust. *See Brown v. MR Grp.*, 2004 WI App 122, ¶6, 274 Wis. 2d 804, 683 N.W.2d 481.

Upon the foregoing,

IT IS ORDERED that the appeal is dismissed for lack of jurisdiction. *See* 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