

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRUCE BALDWIN MOHS,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE  
CO., a/k/a METLIFE®,

Defendant.  
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OPINION AND  
ORDER

00-C-0543-C

Plaintiff Bruce Baldwin Mohs has filed a lengthy and complex complaint against defendant Metropolitan Life Insurance Co. As I understand the allegations, plaintiff is asserting that sometime in the 1970s, a company known as Century 21 of California started operating in Wisconsin. Plaintiff objected to the company's use of the Century 21 name because he had registered that name several years before Century 21 of California had done so. At some point, Century 21 of California brought suit against plaintiff for exclusive rights to the Century 21 name. The jury found for Century 21 of California; plaintiff appealed; the decision was reversed by the Wisconsin Court of Appeals and a new trial was held at which Century 21 of California won again. Plaintiff appealed that decision unsuccessfully through the entire state

court system and even brought two suits in federal court, both of which he lost. He alleges now that at the time that Century 21 of California brought suit against him, the company was owned by defendant, in violation of Wis. Stat. § 610.21, which prohibits insurance companies from engaging in any business other than insurance except as authorized specifically by statute. Plaintiff alleges also that when Century 21 of California sued him, it was a violation of defendant's certificate of authority because Wis. Stat. 180.1502, the statute governing such certificates, did not give defendant any authority to commence an action. Plaintiff adds a number of allegations to his complaint about various improprieties he believed the state courts committed.

Plaintiff is seeking damages to his business career, a declaration that defendant obey the Wisconsin statutes and file a proper assignment of interest in Wisconsin; the reversal of the adverse rulings of the Circuit Court for Dane County, including the court's ban on the publication of plaintiff's autobiography; and payment of compensation to the county and state for the maintenance of a frivolous lawsuit. Plaintiff brought this suit in the circuit court; defendant removed it to federal court and moved for dismissal on the ground that plaintiff had not stated a claim on which relief could be granted. That motion is presently before the court.

## OPINION

It is evident from plaintiff's pleadings that he is unwilling to accept the rulings of the many courts that have considered his claim of prior registration of the Century 21 name. His current suit is one more attempt to overturn those rulings. Unfortunately for him, it is no more successful than his previous efforts.

Plaintiff has no private right to contest defendant's asserted failure to follow the laws of Wisconsin. That right belongs solely to the public, as represented by the state of Wisconsin and its Commissioner of Insurance. Nothing in Wis. Stat. §§ 610.21 or 180.1502 (formerly, § 180.847) suggests that these statutes create private rights of action, that is, rights that would accrue to an individual and allow the individual to sue for violations of the right. See McNeill v. Jacobson, 55 Wis. 2d 254, 258-89, 198 N.W.2d 611 (1972) (general rule is that court will not construe statute as establishing a private right of action if it does not purport to establish civil liability but merely makes provision to secure safety or welfare of public); see also Kranzuch v. Badger State Mutual Casualty Co., 103 Wis. 2d 56, 75-76, 79, 297 N.W.2d 515 (1981) ("the touchstone in the determination [whether a private right of action is created] is the presence of an expression of legislative intent specifically to create such a right . . ."; Wis. Stat. § 601.41(1) places with Commissioner of Insurance duty of suing to enforce statutes and rules relating to insurance industry). Plaintiff might have been able to use these statutes for the

purpose of challenging the legitimacy of Century 21 of California's law suit when it was first filed against him. He cannot use them as the basis for a new lawsuit in this or any other court.

To the extent that plaintiff is hoping to challenge the actions of the Circuit Court for Dane County in this lawsuit, he is pursuing a futile mission. He had (and took) the opportunity to appeal those actions years ago and has received final rulings on all of the aspects of the suits he challenged at that time.

Plaintiff's case is over. He has had his day in court; indeed, he has had many days. Now it is time for him to step aside and let other litigants be heard.

#### ORDER

IT IS ORDERED that the motion of defendant Metropolitan Life Insurance Company to dismiss this action for plaintiff Bruce Baldwin Mohs's failure to state a claim on which relief may be granted is GRANTED. The clerk of court is directed to enter judgment for defendant and close this case.

Entered this 24th day of November, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge