

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

KDC FOODS, INC.,

Plaintiff,

v.

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.,
PHILLIP BOHL, DANIEL
TANENBAUM, JENNIFER
DESARI and ATTORNEYS'
LIABILITY ASSURANCE
SOCIETY, INC.,

Defendants.

ORDER

12-cv-636-bbc

Two months ago, the mandate issued from the Court of Appeals for the Seventh Circuit, affirming this court's dismissal of the case against defendants Gray, Plant, Mooty, Mooty & Bennett, P.A., Phillip Bohl, Daniel Tanenbaum, Jennifer Desari and Attorneys' Liability Assurance Society, Inc., as barred by the running of the statute of limitations. Since then, two non-parties, Rick Wanke and Stan Popko, have written on three occasions to Magistrate Judge Stephen Crocker, asking him to order defendant Gray, Plant to produce the complete file in the matter of KDC Foods, Inc., Don Johnson and First Products, Inc. Neither Wanke nor Popko suggested any reason why this court would have jurisdiction to hear their demand for the file and I am aware of none. Nevertheless, Wanke and Popko

continue to write to the magistrate judge, asking him to take action on their behalf.

Federal courts have no mandate to “take action,” however strongly the party requesting action thinks it is necessary. At the least, there must be an actual case or controversy and there must be a basis for the exercise of jurisdiction, which can be either a dispute arising out of federal law or raising a constitutional question or a dispute between citizens of two different states in which \$75,000 or more is in controversy. In addition, the plaintiff must show that he has standing to sue. Freedom from Religion Foundation v. Lew, — F.3d — (7th Cir. Nov. 13, 2014), 114 A.F.T.R.2d 2014-6570 (“No ‘Case’ or ‘Controversy’ exists if the plaintiff lacks standing to challenge the defendant’s alleged misconduct.”)

If Mr. Wanke and Mr. Popko believe that they have a case against Gray, Plant, Mooty, Mooty & Bennett, P.A., over which this court would have jurisdiction, they are free to file a lawsuit in this court, pay the filing fee and obtain service on defendant. If they do so and if they are correct in thinking that this court would have jurisdiction to hear their new suit, the court would entertain it. At this time, however, this court will take no action on any of the matters raised in their unsolicited letters to the court. Indeed, it will not docket any additional communications from these two men, but will simply place them in a file in the clerk’s office.

ORDER

IT IS ORDERED that if Rick Wanke or Stan Popko files any further matters in this

case, the clerk of court is directed not to docket them but to place them in a file in the clerk's office.

Entered this 22d day of December, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge