

**United States District Court  
Eastern District of Wisconsin (Milwaukee)  
CIVIL DOCKET FOR CASE #: 2:16-cv-00943-PP**

Whitaker v. Kenosha Unified School District No 1 Board of  
Education et al  
Assigned to: Judge Pamela Pepper  
Case in other court: 16-03522

USCA: Kenosha Unified School District;  
9-23-00016, 16-03522

Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/19/2016  
Jury Demand: Defendant  
Nature of Suit: 448 Civil Rights:  
Education  
Jurisdiction: Federal Question

**Plaintiff**

**Ashton Whitaker**  
*by his mother and next friend, Melissa  
Whitaker*

represented by **Alison Pennington**  
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V.

**Defendant**

**Kenosha Unified School District No 1  
Board of Education**

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**Defendant**

**Sue Savaglio-Jarvis**

represented by **Aaron J Graf**  
(See above for address)

LEAD ATTORNEY  
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**Jonathan E Sacks**  
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**Ronald S Stadler**  
(See above for address)  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/19/2016	<u>1</u>	COMPLAINT against All Defendants by A. W., M. W.. ( Filing Fee PAID \$400 receipt number 0757-2383987) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Wardenski, Joseph)
07/19/2016	<u>2</u>	DISCLOSURE Statement by All Plaintiffs. (Wardenski, Joseph)
07/19/2016	<u>3</u>	DISCLOSURE Statement by All Plaintiffs. <b>This document and/or certain attachments are SEALED and only viewable by permission of the court</b> (Wardenski, Joseph)
07/20/2016		NOTICE Regarding assignment of this matter to Judge Rudolph T Randa ;Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days;the consent/refusal form is available on our website (jcl)
07/20/2016		Case Opening Modification(s); The following modification(s) have been made to your case entry: One or more party names have been modified – please remember to follow the Party Name Guidelines found on our website. The attached summons cannot be issued electronically in its current format. Please follow the summons instructions and resubmit the summons using the event Request for Issuance of Summons which is found under the heading other documents. Please refer to the <u>summons instructions</u> and the <u>party name guidelines found in the user manual</u> for further guidance. (blr)
07/20/2016	<u>4</u>	REQUEST for Issuance of Summons by A W (Wardenski, Joseph)
07/21/2016		Summons Issued as to Kenosha Unified School District No 1 Board of Education, Sue Savaglio-Jarvis. (blr)
07/27/2016	<u>5</u>	SUMMONS Returned Executed by A W. All Defendants. (Wardenski, Joseph)
08/03/2016		Due to the unavailability of Judge Rudolph T. Randa, this case has been reassigned to Magistrate Judge David E Jones. Consent/refusal forms for Magistrate Judge David E. Jones to be filed within 21 days. The consent/refusal form is available at the court's web site: www.wied.uscourts.gov. (blr)
08/03/2016	<u>6</u>	Refusal to Jurisdiction by US Magistrate Judge by A W. (Wardenski, Joseph)
08/03/2016	<u>7</u>	MOTION for Leave to File <i>Complaint without Redactions</i> by A W. (Wardenski, Joseph)
08/04/2016		Case Reassigned to Judge Pamela Pepper. Magistrate Judge David E Jones no longer assigned to the case due to non-consent. (amb)
08/10/2016	<u>8</u>	ORDER signed by Judge Pamela Pepper on 8/10/2016 GRANTING <u>7</u> Plaintiff's motion for leave to re-file complaint without redactions. Please refer to the order for additional details. (cc: all counsel) (pwm)
08/15/2016	<u>9</u>	INCORRECT DOCUMENT ATTACHED. SEE <u>12</u> <del>AMENDED COMPLAINT by Plaintiff ASHTON WHITAKER, a minor, by his mother and next friend, MELISSA WHITAKER, against Kenosha Unified School District No 1 Board of Education, Sue Savaglio-Jarvis filed by A W.</del> (Wardenski, Joseph) Modified on 8/16/2016 (amb).
08/15/2016	<u>10</u>	MOTION for Preliminary Injunction by A W. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Ashton Whitaker, # <u>2</u> Exhibit 2 – Declaration of Dr. Stephanie L. Budge, Ph.D., # <u>3</u> Exhibit 3 – Declaration of Dr. R. Nicholas Gorton, M.D., amended exhibit 4 filed at <u>13</u> <del>#(4) Exhibit 4 – Declaration of Melissa Whitaker, # <u>5</u> Exhibit 5 –</del>

		Declaration of Jenifer McGuire, Ph.D., # <u>6</u> Exhibit 6 – U.S. Dep't of Educ. & U.S. Dep't of Justice, Dear Colleague Letter on Transgender Students (May 13, 2016), # <u>7</u> Exhibit 7 – Declaration of Tim Kenney, # <u>8</u> Exhibit 8 – Declaration of Bryan Davis, Ph.D., # <u>9</u> Exhibit 9 – Declaration of Judy Chiasson, Ph.D., # <u>10</u> Exhibit 10 – U.S. Dep't of Educ., Example of Policies & Emerging Practices for Supporting Transgender Students (May 2016))(Wardenski, Joseph) Modified on 8/16/2016 (amb).
08/15/2016	<u>11</u>	BRIEF in Support filed by A W re <u>10</u> MOTION for Preliminary Injunction . (Wardenski, Joseph)
08/15/2016	<u>12</u>	AMENDED COMPLAINT by Plaintiff ASHTON WHITAKER, a minor, by his mother and next friend, MELISSA WHITAKER (CORRECTED DOCUMENT), against Kenosha Unified School District No 1 Board of Education, Sue Savaglio–Jarvis filed by A W. (Attachments: # <u>1</u> Letter re: corrected document)(Wardenski, Joseph)
08/15/2016	<u>13</u>	AMENDED DOCUMENT by Ashton Whitaker. Declaration of Melissa Whitaker with exhibits (Dkt No. 10–4) (Wardenski, Joseph)
08/16/2016	<u>14</u>	MOTION to Dismiss <i>the Amended Complaint</i> by Kenosha Unified School District No 1 Board of Education, Sue Savaglio–Jarvis. (Stadler, Ronald)
08/16/2016	<u>15</u>	BRIEF in Support filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio–Jarvis re <u>14</u> MOTION to Dismiss <i>the Amended Complaint</i> . (Stadler, Ronald)
08/17/2016		NOTICE of Hearing: The court will hold a status conference on Friday, 8/19/2016 at 9:00 AM by telephone before Judge Pamela Pepper. The parties may appear by calling the court's conference line at 888–557–8511 and using the access code 4893665#. (cc: all counsel)(pwm)
08/19/2016	<u>16</u>	Court Minutes from the status conference held on 8/19/2016 before Judge Pamela Pepper. The court scheduled oral argument on 9/6/2016 at 3:30 PM on <u>10</u> the Plaintiff's Motion for Preliminary Injunction and <u>14</u> the Defendants' Motion to Dismiss. Refer to the order for briefing schedule. (cc: all counsel)(pwm) (Entered: 08/23/2016)
08/26/2016	<u>17</u>	BRIEF in Opposition filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio–Jarvis re <u>10</u> MOTION for Preliminary Injunction . (Stadler, Ronald)
08/26/2016	<u>18</u>	AFFIDAVIT of Ronald S. Stadler . (Attachments: # <u>1</u> Exhibit Letter, # <u>2</u> Exhibit Letter, # <u>3</u> Exhibit Complaint filed by Plaintiff, # <u>4</u> Exhibit Enrollment Data, # <u>5</u> Exhibit Preliminary Injunction Order, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Stadler, Ronald)
08/26/2016	<u>19</u>	BRIEF in Opposition filed by Ashton Whitaker re <u>14</u> MOTION to Dismiss <i>the Amended Complaint</i> . (Attachments: # <u>1</u> Exhibit A – Mem. Op., Carcano v. McCrory (M.D.N.C. Aug. 26, 2016))(Wardenski, Joseph)
08/26/2016	<u>20</u>	APPENDIX by Ashton Whitaker to Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss [Dkt. No. 19]. (Attachments: # <u>1</u> Exhibit 1 – Hively v. Ivy Tech Community College, # <u>2</u> Exhibit 2 – Lusardi v. McHugh, # <u>3</u> Exhibit 3 – Rumble v. Fairview Health Services, # <u>4</u> Exhibit 4 – Texas v. United States)(Wardenski, Joseph)
08/31/2016	<u>21</u>	REPLY BRIEF in Support filed by Ashton Whitaker re <u>10</u> MOTION for Preliminary Injunction . (Attachments: # <u>1</u> Exhibit A – Carcano v. McCrory (E.D.N.C. Aug. 26, 2016), # <u>2</u> Exhibit B – Kastl v. Maricopy Cty. Cmty. Coll. Dist. (D. Ariz. 2004), # <u>3</u> Exhibit C – Shorewood School District Nondiscrimination Guidelines, # <u>4</u> Exhibit D – Monona Grove School District Nondiscrimination Guidelines, # <u>5</u> Exhibit E – Middleton–Cross Plains Area School District Nondiscrimination Guidelines, # <u>6</u> Exhibit F – Menasha Joint School District Nondiscrimination Policy, # <u>7</u> Exhibit G – KUSD Registration Information, # <u>8</u> Exhibit H – KUSD Student Enrollment Form, # <u>9</u> Exhibit I – U.S. Dep't of Justice & U.S. Dep't of Educ., Dear Colleague Letter on Student Enrollment Procedures)(Wardenski, Joseph)
08/31/2016	<u>22</u>	REPLY BRIEF in Support filed by All Defendants re <u>14</u> MOTION to Dismiss <i>the Amended Complaint</i> . (Attachments: # <u>1</u> Exhibit unpublished cases)(Stadler, Ronald)

09/06/2016	<u>26</u>	Court Minutes from the oral argument hearing on 9/6/2016 re the <u>10</u> Plaintiffs' Motion for Preliminary Injunction and <u>14</u> Defendant's Motion to Dismiss. The court scheduled a hearing on 9/19/16 at 3:30 PM by telephone for the oral decision on the Motion to Dismiss. Any party wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using the access code 4893665#. (cc: all counsel)(pwm) (Entered: 09/13/2016)
09/09/2016	<u>23</u>	NOTICE by Ashton Whitaker of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A – Letter from U.S. Senators to U.S. Secretary of Education John King (May 2, 2016), # <u>2</u> Exhibit B – Student Non-Discrimination Act of 2015, S. 439 (114th Cong. 2015))(Wardenski, Joseph)
09/12/2016	<u>24</u>	DISREGARD. REFER TO <u>25</u> . <del>RESPONSE</del> filed by All Defendants re <u>23</u> Notice, of <i>Supplemental Authority</i> (Stadler, Ronald) Modified on 9/15/2016 (amb).
09/13/2016		Set hearing on Motion to Dismiss on 9/19/2016 at 3:30 PM by telephone before Judge Pamela Pepper. (pwm)
09/13/2016		NOTICE of Electronic Filing Error re <u>24</u> Response (Non-Motion) filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio-Jarvis ; Exhibit A should have been filed as an attachment. This document needs to be re-filed; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (amb)
09/13/2016	<u>25</u>	RESPONSE filed by All Defendants re <u>23</u> Notice, of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit)(Stadler, Ronald)
09/19/2016		Set/Reset Hearings: <u>10</u> Motion for Preliminary Injunction Hearing set for 9/20/2016 01:00 PM in Courtroom 225, 517 E. Wisconsin Ave., Milwaukee, WI 53202 before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the courts conference line at 888-557-8511 and using the access code 4893665#. (kgw)
09/19/2016	<u>28</u>	Court Minutes for proceedings held on 9/19/2016 before Judge Pamela Pepper: RE <u>14</u> Oral Decision on MOTION to Dismiss <i>the Amended Complaint</i> filed by Kenosha Unified School District No 1 Board of Education and Sue Savaglio-Jarvis. (kgw) (Entered: 09/21/2016)
09/20/2016	<u>27</u>	PROPOSED Proposed Order Denying Motion to Dismiss filed by All Defendants. (Stadler, Ronald)
09/20/2016	<u>31</u>	Court Minutes from the Oral Argument hearing on 9/20/2016 before Judge Pamela Pepper on the Motion for Preliminary Injunction. (pwm) (Entered: 09/22/2016)
09/21/2016	<u>29</u>	ORDER signed by Judge Pamela Pepper on 9/21/2016 DENYING <u>14</u> Defendants' Rule 12(b)(6) Motion to Dismiss the Amended Complaint. (cc: all counsel)(pwm)
09/22/2016	<u>30</u>	Rule 7(h) Expedited Non-Dispositive MOTION for Reconsideration of <i>Certification of Order Denying Motion to Dismiss for Interlocutory Appeal</i> by Ashton Whitaker. (Wardenski, Joseph)
09/22/2016	<u>32</u>	BRIEF filed by Ashton Whitaker <i>Opposing Defendants' Request for Preliminary Injunction Bond</i> . (Wardenski, Joseph)
09/22/2016	<u>33</u>	DECISION AND ORDER signed by Judge Pamela Pepper on 9/22/2016 GRANTING IN PART <u>10</u> Plaintiff's Motion for Preliminary Injunction. The court ORDERS that defendants are ENJOINED from (1) denying plaintiff access to the boys' restrooms; (2) enforcing any policy, written or unwritten, against the plaintiff that would prevent him from using the boys' restroom during any time he is on the school premises or attending school-sponsored events; (3) disciplining plaintiff for using the boys' restroom during any time that he is on the school premises or attending school-sponsored events; and (4) monitoring or surveilling in any way plaintiff's restroom use. The court DENIES the defendants' request that the court require the plaintiff to post a bond under Rule 65(c). (cc: all counsel) (pwm)
09/23/2016	<u>34</u>	NOTICE OF APPEAL as to <u>33</u> Order on Motion for Preliminary Injunction,, by All Defendants. Filing Fee PAID \$505, receipt number 0757-2429876 (cc: all counsel) (Stadler, Ronald)

09/25/2016	<u>35</u>	AMENDED ORDER signed by Judge Pamela Pepper on 9/24/2016 denying Defendants' Rule 12(b)(6) Motion to Dismiss the Amended Complaint (Dkt. No. 14). (cc: all counsel)(pwm)
09/25/2016	<u>36</u>	ORDER signed by Judge Pamela Pepper on 9/24/2016 GRANTING <u>30</u> Plaintiffs' Civil L.R. 7(h) expedited non-dispositive motion to reconsider certification for interlocutory appeal of order denying motion to dismiss and vacating certification. (cc: all counsel) (pwm)
09/26/2016	<u>37</u>	Attorney Cover Letter re: <u>34</u> Notice of Appeal (Attachments: # <u>1</u> docket sheet)(dl)
09/26/2016	<u>38</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>34</u> Notice of Appeal (dl)
09/26/2016	<u>39</u>	DESIGNATION of Record on Appeal by Ashton Whitaker re <u>34</u> Notice of Appeal to include additional document (Dkt. No. 23). (Wardenski, Joseph)
09/26/2016	<u>40</u>	USCA Case Number 16-3522 re: <u>34</u> Notice of Appeal filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio-Jarvis. (lmf)
09/26/2016	<u>41</u>	LETTER from Ronald S. Stadler . (Stadler, Ronald)
09/27/2016	<u>42</u>	Rule 7(h) Expedited Non-Dispositive MOTION for Relief <i>from the Order Granting Plaintiff's Motion to Reconsider Certification for Interlocutory Appeal of Order Denying Motion to Dismiss, and Vacating Certification.</i> (DKT. NO. 36) by All Defendants. (Stadler, Ronald)
09/27/2016	<u>43</u>	RESPONSE to Motion filed by Ashton Whitaker re <u>42</u> Rule 7(h) Expedited Non-Dispositive MOTION for Relief <i>from the Order Granting Plaintiff's Motion to Reconsider Certification for Interlocutory Appeal of Order Denying Motion to Dismiss, and Vacating Certification.</i> (DKT. NO. 36) . (Wardenski, Joseph)
09/28/2016	<u>44</u>	Rule 7(h) Expedited Non-Dispositive MOTION to Stay <i>Preliminary Injunction (DKT. No. 33) Pending Appeal</i> by All Defendants. (Stadler, Ronald)
09/29/2016	<u>45</u>	TRANSCRIPT of ORAL DECISION ON MOTION TO DISMISS held on 9/19/2016 before Judge Pamela Pepper Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHNSCHINDHELM.COM to order directly... Or. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <a href="http://www.wied.uscourts.gov">www.wied.uscourts.gov</a> Redaction Statement due 10/24/2016. Redacted Transcript Deadline set for 11/3/2016. Release of Transcript Restriction set for 1/1/2017. (Schindhelm, John)
10/03/2016	<u>46</u>	ORDER signed by Judge Pamela Pepper on 10/3/2016 DENYING <u>44</u> Rule 7(h) Motion to Stay Preliminary Injunction (Dkt. No. 33) Pending Appeal. (cc: all counsel) (pwm)
10/03/2016	<u>47</u>	ORDER signed by Judge Pamela Pepper on 10/3/2016 DENYING <u>42</u> Defendants' Rule 7(h) Motion for Relief from the Order (Dkt. No. 36) Granting Plaintiff's Motion to Reconsider Certification of Interlocutory Appeal of Order Denying Motion to Dismiss and Vacating Certification. (cc: all counsel)(pwm)
10/04/2016	<u>48</u>	MOTION to set Rule 16 scheduling conference by Ashton Whitaker. (Wardenski, Joseph)
10/05/2016		NOTICE of hearing: A Rule 16 scheduling conference is scheduled for 10/21/2016 at 11:30 AM by telephone before Judge Pamela Pepper. The parties may appear by calling the court's conference line at 888-557-8511 and using the access code 4893665#. Pursuant to Fed. R. Civ. P. 26(f)(1) and Civ. L. R. 26(a), the parties must file a Rule 26(f) discovery plan no later than seven (7) days before the date of the Rule 16 conference. The court expects the parties to comply with the rules. The court may decline to discuss scheduling or issue a scheduling order until the parties have filed the Rule 26(f) plan. For additional information, please refer to Judge Pepper's procedures on the court's website at <a href="http://www.wied.uscourts.gov">www.wied.uscourts.gov</a> . (cc: all counsel)(pwm)

10/07/2016	<u>49</u>	TRANSCRIPT of ORAL ARGUMENT ON MOTION TO DISMISS AND MOTION FOR PRELIMINARY INJUNCTION held on 9/6/2016 before Judge Pamela Pepper Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHN SCHINDELM.COM to order directly... Or. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 10/31/2016. Redacted Transcript Deadline set for 11/10/2016. Release of Transcript Restriction set for 1/8/2017. (Schindhelm, John)
10/07/2016	<u>50</u>	TRANSCRIPT of ORAL ARGUMENT ON MOTION FOR PRELIMINARY INJUNCTION held on 9/20/2016 before Judge Pamela Pepper Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHN SCHINDELM.COM to order directly... Or. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 10/31/2016. Redacted Transcript Deadline set for 11/10/2016. Release of Transcript Restriction set for 1/8/2017. (Schindhelm, John)
10/14/2016	<u>51</u>	<i>Joint</i> REPORT of Rule 26(f) Plan by All Parties by Ashton Whitaker. (Wardenski, Joseph)
10/18/2016	<u>52</u>	ANSWER to <u>12</u> Amended Complaint, with Jury Demand by All Defendants.(Stadler, Ronald)
10/21/2016	<u>53</u>	Court Minutes and order from the scheduling conference held on 10/21/2016: The court scheduled the final pretrial conference on 9/28/2017 at 1:30 PM in Room 225, and the jury trial (est. 5 days) on 10/16/2017 at 9:00 AM in Room 225. Please refer to the court's order for all the scheduling deadlines. (cc: all counsel)(pwm) (Entered: 10/27/2016)
11/14/2016	<u>54</u>	Unopposed MOTION to Modify <i>Scheduling Order</i> by Ashton Whitaker. (Wardenski, Joseph)
12/13/2016		TEXT ONLY ORDER signed by Judge Pamela Pepper on 12/14/2016 re <u>54</u> Unopposed MOTION to Modify <i>Scheduling Order</i> filed by Ashton Whitaker: The plaintiff filed this unopposed motion to modify the October 21, 2016 scheduling order on November 14, 2016. The court extends its apologies to both parties for its delay in ruling on this motion. The court GRANTS the plaintiff's unopposed motion to modify the scheduling order. The court ORDERS, nunc pro tunc, that the deadline for exchanging Rule 26(a)(1) disclosures is extended to November 18, 2016. The court ORDERS that the deadline for the plaintiff to disclose the identities and reports of his expert witnesses is EXTENDED to January 31, 2017. The court ORDERS that the deadline for the defendants to disclose the identities and reports of their expert witnesses is extended to March 28, 2017. All other deadlines and dates set in the October 21, 2016 scheduling order remain in effect. (cc: all counsel)(Pepper, Pamela)
12/13/2016		Set/Reset Deadlines: Plaintiffs Expert Witness List due by 1/31/2017 Defendants Expert Witness List due by 3/28/2017 Rule 26(a) Disclosures to be exchanged by 11/18/2016. (amb) (Entered: 12/14/2016)
01/09/2017	<u>55</u>	Joint MOTION to Modify <i>Scheduling Order</i> by Ashton Whitaker. (Wardenski, Joseph)
01/09/2017	<u>56</u>	ORDER signed by Judge Pamela Pepper on 1/9/2017 GRANTING <u>55</u> the joint motion to modify the scheduling order. The court ORDERS that (1) The plaintiff's deadline to disclose the identities and reports of his expert witnesses is extended to 2/21/2017; (2) The defendants' deadline to disclose the identities and reports of their expert witnesses is extended to 4/20/2017; (3) The plaintiff's deadline to file a motion seeking leave to identify any rebuttal experts is extended to 5/10/2017; (4) The deadline for the parties to complete all fact discovery is extended to 6/16/2017; (5) The deadline for the parties to complete all expert discovery is extended to 6/30/2017; and, (6) The deadline for

		any party to file dispositive motions is extended to 7/31/2017. The court ORDERS that the final pretrial conference set for 9/28/17 and the jury trial set for 10/16/17 are REMOVED from the hearing calendar. The court will set a status conference to discuss modifications to the pretrial schedule and trial date. (cc: all counsel) (pwm)
01/30/2017	<u>57</u>	Joint MOTION for Protective Order by Ashton Whitaker. (Wardenski, Joseph)
02/02/2017	<u>58</u>	ORDER signed by Judge Pamela Pepper on 2/2/2017 GRANTING <u>57</u> Joint Motion for Protective Order. (cc: all counsel) (pwm)
02/13/2017	<u>59</u>	Certified Record on Appeal 16–3522 Transmitted to US Court of Appeals consisting of 4 vol pldgs sent electronically re <u>34</u> Notice of Appeal (cc: all counsel) (Attachments: # <u>1</u> docket sheet)(dl)
03/21/2017	<u>60</u>	NOTICE of Appearance by Robert D Friedman on behalf of Ashton Whitaker. Attorney(s) appearing: Robert D. Friedman (Friedman, Robert)
04/28/2017	<u>61</u>	First MOTION for Order <i>For Independent Medical Examination of Plaintiff</i> by All Defendants. (Stadler, Ronald)
04/28/2017	<u>62</u>	BRIEF in Support filed by All Defendants re <u>61</u> First MOTION for Order <i>For Independent Medical Examination of Plaintiff</i> . (Attachments: # <u>1</u> Exhibit)(Stadler, Ronald)
05/01/2017	<u>63</u>	Joint MOTION to Stay <i>Discovery</i> by Ashton Whitaker. (Wardenski, Joseph)
05/05/2017	<u>64</u>	ORDER signed by Judge Pamela Pepper on 5/4/2017 GRANTING <u>63</u> Joint MOTION to Stay Discovery. The court ORDERS that discovery is stayed until the date that the 7th Circuit issues its decision in defendants' appeal of the preliminary injunction this court issued, or the last day of the school year in the Kenosha Unified School District on 6/12/2017, whichever is later. No later than 6/27/2017 or 15 days after the date the 7th Circuit issues its ruling, whichever is later, the parties shall confer and propose to the court a modified scheduling order to govern the remainder of discovery and pretrial deadlines. (cc: all counsel)(pwm)
06/21/2017	<u>65</u>	USCA Mandate (certified copy) as to <u>34</u> Notice of Appeal filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio–Jarvis USCA Number 16–3522. The district court's order granting the Appellee's motion for a preliminary injunction is AFFIRMED. Opinion, Final Judgment and Bill of Costs attached. (lmf)
06/27/2017	<u>66</u>	Joint MOTION to Modify <i>Scheduling Order</i> by Ashton Whitaker. (Wardenski, Joseph)
06/30/2017	<u>67</u>	ORDER signed by Judge Pamela Pepper on 6/30/2017 GRANTING <u>66</u> Joint Motion to Modify Scheduling Order. Plaintiff to file response to defendants' Rule 35 motion by end of day 7/10/2017; if plaintiff files response, defendants may file reply by end of day 7/17/2017. If the court grants the Rule 35 motion, it will set deadlines for independent medical examination of plaintiff and disclosure of report of results of examination. Discovery (fact and expert) due by 11/3/2017. Dispositive Motions due by 12/18/2017; response and reply deadlines mandated by local rules shall apply. Any party filing proposed findings of fact shall also email a Word version of those proposed findings to PepperPO@wied.uscourts.gov. The court will set telephonic scheduling conference to discuss possible dates for final pretrial conference and trial. (cc: all counsel) (cb)