

**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

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

Date Terminated: 01/23/2018

Jury Demand: Defendant

Nature of Suit: 448 Civil Rights:
Education

Jurisdiction: Federal Question

Plaintiff

Ashton Whitaker

represented by **Alexa Milton**

Relman Dane & Colfax PLLC

1225 19th St NW – Ste 600

Washington, DC 20036

202-728-1888

Fax: 202-728-0848

Email: amilton@relmanlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Alison Pennington

Transgender Law Center

1629 Telegraph Ave – Ste 400

PO Box 70976

Oakland, CA 94612

415-865-0176

Fax: 877-847-1278

TERMINATED: 07/10/2017

LEAD ATTORNEY

Ilona Turner

Transgender Law Center

1629 Telegraph Ave – Ste 400

PO Box 70976

Oakland, CA 94612

415-865-0176

Fax: 877-847-1278

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael G Allen

Relman Dane & Colfax PLLC

1225 19th St NW – Ste 600

Washington, DC 20036

202-728-1888

Fax: 202-728-0848

Email: mallen@relmanlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert Theine Pledl

McNally Peterson SC

1233 N Mayfair Rd – Ste 200

Milwaukee, WI 53226

414-257-3399

Fax: 414-257-3223

Email: rpled1@mcpetelaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sasha J Buchert
Transgender Law Center
1629 Telegraph Ave – Ste 400
PO Box 70976
Oakland, CA 94612
415-865-0176
Fax: 877-847-1278
TERMINATED: 07/10/2017
LEAD ATTORNEY

Sasha Samberg-Champion
Relman Dane & Colfax PLLC
1225 19th St NW – Ste 600
Washington, DC 20036
202-728-1888
Fax: 202-728-0848
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Thomas Meerkamper
Transgender Law Center
1629 Telegraph Ave – Ste 400
PO Box 70976
Oakland, CA 94612
510-587-9696
Fax: 510-587-9699
Email: shawn@transgenderlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert D Friedman
Relman Dane & Colfax PLLC
1225 19th St NW – Ste 600
Washington, DC 20036
202-728-1888
Fax: 202-728-0848
Email: rfriedman@relmanlaw.com
TERMINATED: 07/21/2017

Joseph J. Wardenski
Relman Dane & Colfax PLLC
1225 19th St NW – Ste 600
Washington, DC 20036
202-728-1888
Fax: 202-728-0848
Email: jwardenski@relmanlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

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

represented by **Aaron J Graf**
Mallery & Zimmerman SC
731 N Jackson St – Ste 900
Milwaukee, WI 53202-4697
414-727-6279
Email: agraf@mzmilw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan E Sacks
Mallery & Zimmerman SC
731 N Jackson St – Ste 900

Milwaukee, WI 53202-4697
414-271-2424
Fax: 414-271-8678
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald S Stadler
Mallery & Zimmerman SC
731 N Jackson St – Ste 900
Milwaukee, WI 53202-4697
414-271-2424
Fax: 414-271-8678
Email: rstadler@mzmilw.com
ATTORNEY TO BE NOTICED

Defendant

Sue Savaglio–Jarvis
TERMINATED: 08/11/2017

represented by **Aaron J Graf**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan E Sacks
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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. This document and/or certain attachments are SEALED and only viewable by permission of the court (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> 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.(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> # (4) Exhibit 4 – Declaration of Melissa Whitaker, # <u>5</u> Exhibit 5 – 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. <i>Declaration of Melissa Whitaker with exhibits (Dkt No. 10-4)</i> (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 <i>Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss [Dkt. No. 19]</i> . (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> . RESPONSE 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</i> (DKT. No. 33) <i>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.JOHNSCHINDELM.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. NOTICE RE REDACTION OF TRANSCRIPTS: 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 10/24/2016. 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 www.wied.uscourts.gov . (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.JOHNSCHINDELM.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. NOTICE RE REDACTION OF TRANSCRIPTS: 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 www.wied.uscourts.gov 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.JOHNSCHINDELM.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. NOTICE RE REDACTION OF TRANSCRIPTS: 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 www.wied.uscourts.gov 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)
07/06/2017		NOTICE of Hearing: Scheduling Conference to discuss final pretrial conference and trial dates set for 11/6/2017 at 11:30 AM by telephone before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#. (cc: all counsel)(cb)
07/10/2017	<u>68</u>	Joint MOTION for Order <i>Governing Independent Medical Examination of Plaintiff</i> by Ashton Whitaker. (Wardenski, Joseph)
07/10/2017	<u>69</u>	NOTICE of Appearance by Joseph J. Wardenski on behalf of Ashton Whitaker. Attorney(s) appearing: Withdrawal of Attorneys Alison Pennington and Sasha Buchert (Wardenski, Joseph)
07/11/2017	<u>70</u>	ORDER signed by Judge Pamela Pepper on 7/11/2017. <u>68</u> Joint MOTION for Order <i>Governing Independent Medical Examination of Plaintiff</i> GRANTED; see order for details. <u>61</u> Defendants' MOTION <i>For Independent Medical Examination of Plaintiff</i> DISMISSED as moot. (cc: all counsel)(cb)
07/20/2017	<u>71</u>	NOTICE of Appearance by Joseph J. Wardenski on behalf of Ashton Whitaker. Attorney(s) appearing: Withdrawal of Appearance of Robert D. Friedman (Wardenski, Joseph)
08/09/2017	<u>72</u>	STIPULATION (<i>Joint</i>) to dismiss defendant <i>Savaglio-Jarvis</i> filed by All Defendants (Stadler, Ronald) Modified on 8/10/2017 (vkb)
08/11/2017		TEXT ONLY ORDER signed by Judge Pamela Pepper on 8/11/2017 re <u>72</u> stipulation to dismiss defendant <i>Savaglio-Jarvis</i> . The court APPROVES the stipulation of the parties, dkt. no. 72, to remove Dr. Sue Savaglio-Jarvis, in her official capacity as Superintendent, as a party from this case. The court ORDERS that Dr. Sue Savaglio-Jarvis is DISMISSED from the case, with prejudice. The clerk shall REMOVE Dr. Sue Savaglio-Jarvis as a named defendant in the caption of this case. (cc: all counsel)(cb)
08/28/2017		NOTICE of Hearing: Telephone Conference re discovery dispute set for 8/31/2017 at 11:00 AM by telephone before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#. (cc: all counsel)(cb)
08/31/2017	<u>77</u>	Minute and Order Entry for proceedings held before Judge Pamela Pepper: Hearing held on 8/31/2017. Telephone Conference set for 9/6/2017 at 1:45 PM by telephone before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#. Briefing schedule for plaintiff's motion to compel set as follows: plaintiff's motion due 9/5/2017; defendant's response due 9/12/2017; plaintiff's reply due 9/15/2017. (cb) (Entered: 09/06/2017)
09/01/2017		NOTICE of Hearing: Status Conference RE: Discovery Dispute – set for 9/6/2017 01:45 PM By Telephone 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#. (cc: all counsel)(kgw)
09/05/2017	<u>73</u>	Unopposed MOTION to Amend Case Caption by Ashton Whitaker. (Wardenski, Joseph)
09/05/2017	74	TEXT ONLY ORDER signed by Judge Pamela Pepper on 09/05/2017 re <u>73</u> Unopposed MOTION to Amend Case Caption filed by Ashton Whitaker: The court GRANTS the plaintiff's unopposed motion to amend the caption of this case. The court ORDERS that the clerk of court shall amend the caption of the case to remove the words "a minor, by his mother and next friend, MELISSA WHITAKER," from the caption, so that the caption of the case in the docket reads, "ASHTON WHITAKER, Plaintiff, v. KENOSHA UNIFIED SCHOOL DISTRICT NO. 1 BOARD OF EDUCATION, Defendant." (cc: all counsel)(Pepper, Pamela)

09/05/2017	<u>75</u>	MOTION to Compel <i>Discovery Responses</i> by Ashton Whitaker. (Attachments: # <u>1</u> Exhibit A (Disputed Discovery Requests and Responses), # <u>2</u> Exhibit B (Interrogatories and Responses Referenced in Memorandum of Law), # <u>3</u> Declaration of Joseph J. Wardenski)(Wardenski, Joseph)
09/05/2017	<u>76</u>	BRIEF in Support filed by Ashton Whitaker re <u>75</u> MOTION to Compel <i>Discovery Responses</i> . (Wardenski, Joseph)
09/06/2017	<u>81</u>	Court Minutes for proceedings held before Judge Pamela Pepper: Status Conference held on 9/6/2017 and Order Signed on October 2,2017. The defendant shall file its motion for cost sharing no later than 9/12/2017 and any response is due no later than 9/15/2017. (kgw) (Entered: 10/02/2017)
09/08/2017		NOTICE of Electronic Filing Error re <u>75</u> MOTION to Compel <i>Discovery Responses</i> filed by Ashton Whitaker ; The Declaration of Joseph J. Wardenski should not have been filed as an attachment. This document should have been filed as a separate entry. This document does not need 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)
09/12/2017	<u>78</u>	BRIEF in Opposition filed by Kenosha Unified School District No 1 Board of Education re <u>75</u> MOTION to Compel <i>Discovery Responses</i> . (Stadler, Ronald)
09/15/2017	<u>79</u>	REPLY BRIEF in Support filed by Ashton Whitaker re <u>75</u> MOTION to Compel <i>Discovery Responses</i> . (Wardenski, Joseph)
09/27/2017	<u>80</u>	NOTICE of Appearance by Alexa Milton on behalf of Ashton Whitaker. Attorney(s) appearing: Alexa T. Milton (Milton, Alexa)
10/02/2017	<u>82</u>	ORDER signed by Judge Pamela Pepper on 10/2/2017 REFERRING CASE to Magistrate Judge William E. Callahan, Jr. for mediation. (cc: all counsel)(cb)
10/06/2017	<u>83</u>	ORDER REGARDING MEDIATION PROCEEDINGS: Mediation Hearing is set for 10/31/2017 at 10:00 AM in Chambers Room 618, 517 E. Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge William E Callahan Jr. See Order for additional deadlines. Signed by Magistrate Judge William E Callahan, Jr on 10/6/17. (cc: all counsel)(dmm)
10/25/2017	<u>84</u>	MOTION for Judgment on the Pleadings by All Defendants. (Stadler, Ronald)
10/25/2017	<u>85</u>	BRIEF in Support filed by All Defendants re <u>84</u> MOTION for Judgment on the Pleadings . (Stadler, Ronald)
11/01/2017	<u>86</u>	Minute Entry for proceedings held before Magistrate Judge William E Callahan, Jr: Settlement Hearing was held on 11/1/2017. Although mediation did not result in settlement of the plaintiffs claims, the parties have agreed to meet again with this court on November 21, 2017, at 9:30 am to continue settlement discussions. Thus, this court will retain this case for mediation purposes until at least the close of business on November 21, 2017 (dmm)
11/06/2017	<u>87</u>	Minute and Order Entry for proceedings held before Judge Pamela Pepper: Scheduling Conference held on 11/6/2017. Briefing deadlines for <u>84</u> defendants' motion for judgment on the pleadings SUSPENDED pending filing of mediation report. If mediation not successful, the court will set new briefing schedule. (cb) (Entered: 11/20/2017)
11/21/2017	<u>88</u>	Minute Entry for proceedings held before Magistrate Judge William E Callahan, Jr: Cont'd Mediation Hearing was held on 11/21/2017. Despite the efforts of the parties, mediation did not result in settlement of the plaintiffs claims. Accordingly, this case will be reassigned to Judge Pepper for further pretrial proceedings, trial and eventual entry of final judgment. (dmm) (Entered: 11/27/2017)
12/01/2017	89	TEXT ONLY ORDER signed by Judge Pamela Pepper on 12/1/2017 re <u>84</u> MOTION for Judgment on the Pleadings filed by Kenosha Unified School District No 1 Board of Education, Sue Savaglio-Jarvis: On October 25, 2017, the defendants filed a motion for judgment on the pleadings. The parties, however, had agreed to participate in mediation, so the court suspended the proceedings to allow them to try to resolve the case. On November 21, 2017, Judge Callahan filed his mediator's report, indicating that the parties had not been able to reach an agreement. The court ORDERS that the plaintiff shall file his response to the defendant's motion for judgment on the pleadings

		by the end of the day on January 5, 2018. The court ORDERS that the defendants shall file any reply in support of their motion by the end of the day on January 26, 2018. The court will resolve the pending motion to compel shortly (dkt. no. 75). NOTE: There is no document associated with this text-only order. (cc: all counsel)(Pepper, Pamela)
12/27/2017	<u>90</u>	NOTICE of Settlement <i>in Principle and Stipulation to Stay Deadlines (Joint)</i> by Ashton Whitaker. (Wardenski, Joseph)
12/28/2017		TEXT ONLY ORDER signed by Judge Pamela Pepper on 12/28/2017 re <u>90</u> joint notice of settlement in principle and stipulation to stay deadlines. The court APPROVES the parties' joint stipulation to stay deadlines. Dkt. No. 90. The court ORDERS that the parties' deadlines with regard to the defendant's pending motion for judgment on the pleadings are STAYED. The court ORDERS that, by the end of the day on January 29, 2018, the parties shall file either (a) their joint motion for approval of consent judgment, or (b) a status report indicating why such a motion for approval has not been filed. (cc: all counsel)(cb)
01/22/2018	<u>91</u>	Joint MOTION to Approve Proposed Consent Judgment <i>and Notice of Settlement</i> by Ashton Whitaker. (Attachments: # <u>1</u> Proposed Consent Judgment)(Wardenski, Joseph)
01/23/2018	<u>92</u>	ORDER signed by Judge Pamela Pepper on 1/23/2018. <u>91</u> Joint motion to approve consent judgment GRANTED. <u>75</u> Plaintiff's motion to compel DENIED as moot. <u>84</u> Defendant's motion for judgment on the pleadings DENIED as moot. All pending deadlines VACATED. Clerk's office to close case administratively. (cc: all counsel) (cb)
01/23/2018	<u>93</u>	CONSENT JUDGMENT signed by Judge Pamela Pepper on 1/23/2018. (cc: all counsel)(cb)
01/23/2018		Case administratively closed pursuant to <u>92</u> Order. (amb) (Entered: 01/24/2018)