

**United States District Court
Eastern District of Wisconsin (Green Bay)
CIVIL DOCKET FOR CASE #: 1:14-cv-01020-WCG**

Lechnir v. Wells et al
Assigned to: Chief Judge William C Griesbach
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 08/20/2014
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Thomas Lechnir

represented by **Steven M Lubar**
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ATTORNEY TO BE NOTICED

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TERMINATED: 02/27/2017

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V.

Defendant

University of Wisconsin System
A Wisconsin governmental entity
TERMINATED: 10/31/2014

represented by **Rachel L Bachhuber**
Wisconsin Department of Justice
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Defendant

University of Wisconsin-Oshkosh
TERMINATED: 10/31/2014

represented by **Rachel L Bachhuber**
(See above for address)
TERMINATED: 01/26/2017
ATTORNEY TO BE NOTICED

Steven C Kilpatrick
(See above for address)

Defendant

Richard Wells

represented by **Warren E Buliox**
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Rachel L Bachhuber
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Steven C Kilpatrick
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TERMINATED: 01/26/2017

Defendant

Darryl Sims

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LEAD ATTORNEY
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Emery K Harlan
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Nelson W Phillips , III
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Rachel L Bachhuber
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Steven C Kilpatrick
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Defendant

Petra Roter

represented by **Warren E Buliox**
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Rachel L Bachhuber
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Steven C Kilpatrick
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TERMINATED: 01/26/2017

Defendant

Thomas G Sonnleitner

represented by **Warren E Buliox**
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Rachel L Bachhuber
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/20/2014	<u>1</u>	COMPLAINT with Jury Demand; against All Defendants by Thomas Lechnir. (Filing Fee PAID \$400 receipt number 0757-1946610)(McKinley, William) (Additional attachment(s) added on 8/20/2014: # <u>1</u> Civil Cover Sheet) (blr).
08/20/2014	<u>2</u>	Refusal to Jurisdiction by US Magistrate Judge by Thomas Lechnir. (McKinley, William)
08/20/2014	<u>3</u>	NOTICE of Appearance by Jason G Wied on behalf of Thomas Lechnir. Attorney(s) appearing: Jason G. Wied (Wied, Jason)
08/20/2014		NOTICE Regarding assignment of this matter to Chief Judge William C Griesbach. Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days. The consent/refusal form is available on our web site. Pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed. (blr)
08/20/2014	<u>4</u>	REQUEST for Issuance of Summons by Thomas Lechnir (Attachments: # <u>1</u> Summons UW System Regents, # <u>2</u> Summons UW Oshkosh, # <u>3</u> Summons Wells, # <u>4</u> Summons Roter, # <u>5</u> Summons Sims)(McKinley, William)
08/21/2014		Summons Issued as to Petra Roter, Darryl Sims, University of Wisconsin System, University of Wisconsin-Oshkosh, Richard Wells. (mec)
09/25/2014	<u>5</u>	NOTICE by All Plaintiffs of <i>Filing Proofs of Service of Summons and Complaint</i> (Attachments: # <u>1</u> Exhibit Proof of Service of Darryl Sims, # <u>2</u> Exhibit Proof of Service of UW Board of Regents, # <u>3</u> Exhibit Proof of Service of Petra Roter, # <u>4</u> Exhibit Proof of Service of UW-Oshkosh, # <u>5</u> Exhibit Proof of Service of Richard Wells)(McKinley, William)
09/29/2014	<u>6</u>	NOTICE of Appearance by Steven C Kilpatrick on behalf of Petra Roter, Darryl Sims, University of Wisconsin System, University of Wisconsin-Oshkosh. Attorney(s) appearing: Steven C. Kilpatrick and Rachel L. Bachhuber (Kilpatrick, Steven)
09/29/2014	<u>7</u>	MOTION to Dismiss by Petra Roter, Darryl Sims, University of Wisconsin System, University of Wisconsin-Oshkosh. (Kilpatrick, Steven)
09/29/2014	<u>8</u>	BRIEF in Support filed by Petra Roter, Darryl Sims, University of Wisconsin System, University of Wisconsin-Oshkosh re <u>7</u> MOTION to Dismiss . (Kilpatrick, Steven)
10/14/2014	<u>9</u>	Rule 7(h) Expedited Non-Dispositive MOTION for Extension of Time to <i>File Response Brief to Defendants' Motion to Dismiss</i> by Thomas Lechnir. (McKinley, William)
10/15/2014		TEXT ONLY ORDER GRANTING <u>9</u> Rule 7(h) Expedited Non-Dispositive MOTION for Extension of Time to October 31, 2014, to File a Response Brief to Defendants' Motion to Dismiss, filed by Thomas Lechnir, signed by Chief Judge William C Griesbach on 10/15/2014. (cc: all counsel)(Griesbach, William)
10/30/2014	<u>10</u>	STIPULATION <i>FOR DISMISSAL & LEAVE TO AMEND COMPLAINT</i> by Thomas Lechnir. (Attachments: # <u>1</u> Text of Proposed Order)(McKinley, William)
10/31/2014	<u>11</u>	ORDER GRANTING <u>10</u> Stipulation. University of Wisconsin System (A Wisconsin governmental entity) and University of Wisconsin-Oshkosh terminated. Plaintiff shall file a First Amended Complaint no later than 11/14/2014. Signed by Chief Judge William C Griesbach on 10/31/2014. (cc: all counsel)(Griesbach, William)
11/13/2014	<u>12</u>	AMENDED COMPLAINT with Jury Demand against Petra Roter, Darryl Sims, Richard Wells, Thomas G Sonnleitner filed by Thomas Lechnir. (Attachments: # <u>1</u> Summons Thomas Sonnleitner, # <u>2</u> Summons Richard Wells (amended to reflect proper address))(McKinley, William)

11/13/2014		Summons Issued as to Thomas G Sonnleitner, reissued as to Richard Wells. (mec)
11/25/2014	<u>13</u>	NOTICE of Appearance by Steven C Kilpatrick on behalf of Thomas G Sonnleitner, Richard Wells. Attorney(s) appearing: Steven C. Kilpatrick & Rachel Bachhuber (Kilpatrick, Steven)
12/02/2014	<u>14</u>	STIPULATION for Extension of Time for Defendants Sims and Roter to File A Responsive Pleading to Amended Complaint by Petra Roter, Darryl Sims. (Attachments: # <u>1</u> Text of Proposed Order)(Kilpatrick, Steven)
12/03/2014		TEXT ONLY ORDER approving <u>14</u> Stipulation and GRANTING requested extension, signed by Chief Judge William C Griesbach on 12/03/2014. Defendants Darryl Sims and Petra Roter may file a responsive pleading to Plaintiff Thomas Lechnirs amended complaint, ECF <u>12</u> , no later than January 12, 2015. (cc: all counsel)(Griesbach, William)
01/12/2015	<u>15</u>	<i>Defendant Richard Wells'</i> ANSWER to <u>12</u> Amended Complaint, by Richard Wells.(Kilpatrick, Steven)
01/12/2015	<u>16</u>	MOTION to Dismiss by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells. (Kilpatrick, Steven)
01/12/2015	<u>17</u>	BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells re <u>16</u> MOTION to Dismiss <i>Defendants' Memorandum of Law in Support of Their Motion to Dismiss.</i> (Kilpatrick, Steven)
01/13/2015	<u>18</u>	NOTICE of Hearing: Rule 16 Telephone Scheduling Conference set for 2/12/2015 09:00 AM before Chief Judge William C Griesbach. Rule 26 report due by 2/5/2015. The Court will initiate the call. Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7381 or by email at wied_clerks_gb@wied.uscourts.gov. (cc: all counsel)(Griesbach, William)
01/13/2015	<u>19</u>	STIPULATION TO AMEND BRIEFING SCHEDULE by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order Amending Briefing Scheduling)(McKinley, William)
01/14/2015	<u>20</u>	LETTER from Steven C. Kilpatrick <i>seeking to have Rule 16 telephone scheduling conference rescheduled.</i> (Kilpatrick, Steven)
01/14/2015		NOTICE of Cancellation of Hearing – The Rule 16 TSC scheduled for February 12, 2015 at 9:00 a.m. has been removed from the court calendar. (cc: all counsel) (aw)
01/15/2015		TEXT ONLY ORDER approving <u>19</u> Stipulation to amend briefing schedule, filed by Thomas Lechnir, signed by Chief Judge William C Griesbach on 01/15/2015. The Plaintiffs Response to the Defendants Motion to Dismiss is due to be filed with the Court no later than Friday, February 13, 2015. (cc: all counsel)(Griesbach, William)
02/12/2015	<u>21</u>	NOTICE of Appearance by Kurt F Ellison on behalf of Thomas Lechnir. Attorney(s) appearing: Kurt F. Ellison (Ellison, Kurt)
02/13/2015	<u>22</u>	BRIEF in Opposition filed by Thomas Lechnir re <u>16</u> MOTION to Dismiss <i>[Brief in Opposition to Defendants' Memorandum of Law in Support of Their Motion to Dismiss.</i> (Ellison, Kurt)
02/27/2015	<u>23</u>	REPLY BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, University of Wisconsin System, University of Wisconsin-Oshkosh, Richard Wells re <u>16</u> MOTION to Dismiss <i>Defendants' Reply Memorandum of Law in Support of Their Motion to Dismiss.</i> (Kilpatrick, Steven)
03/18/2015	<u>24</u>	LETTER from AAG Kilpatrick: Supplemental authority . (Attachments: # <u>1</u> Supplement Decision)(Kilpatrick, Steven)
03/25/2015	<u>25</u>	LETTER from Steven C. Kilpatrick to Judge Griesbach re: <i>no amendment to motion.</i> (Kilpatrick, Steven)
03/27/2015	<u>26</u>	LETTER from Attorney McKinley re: <i>WI Court of Appeals Decision.</i> (McKinley, William)
04/15/2015	<u>27</u>	Joint MOTION for Leave to File <i>Supplemental Briefing</i> by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells. (Attachments: # <u>1</u> Text of Proposed Order

		Granting Joint Motion for Leave)(Kilpatrick, Steven)
04/17/2015	<u>28</u>	ORDER granting <u>27</u> Motion for Leave to File. (cc: all counsel) (Griesbach, William)
05/08/2015	<u>29</u>	BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells re <u>16</u> MOTION to Dismiss . (Kilpatrick, Steven)
05/21/2015	<u>30</u>	RESPONSE filed by All Plaintiffs re <u>29</u> Brief in Support of Motion <i>Response Brief in Opposition to Defendants' Supplemental Briefing on the Issue of Claim Preclusion</i> (Ellison, Kurt)
06/04/2015	<u>31</u>	REPLY BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells re <u>16</u> MOTION to Dismiss . (Attachments: # <u>1</u> Appendix Circuit Court Brief In Support of Petition for Review)(Kilpatrick, Steven)
06/05/2015	<u>32</u>	LETTER from Attorney Kurt F. Ellison <i>enclosing transcript</i> . (Attachments: # <u>1</u> Transcript of Circuit Court proceedings before Judge Barbara Key)(Ellison, Kurt)
06/08/2015		NOTICE of Electronic Filing Error re <u>32</u> Letter ; All documents should contain an electronic signature. 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. (mec)
06/29/2015	<u>33</u>	ORDER signed by Chief Judge William C Griesbach on 6-29-15 granting in part and denying in part <u>16</u> Motion to Dismiss. (cc: all counsel) (Griesbach, William)
06/30/2015	<u>34</u>	NOTICE of Hearing: Rule 16 Telephone Scheduling Conference set for 7/29/2015 09:00 AM before Chief Judge William C Griesbach. Rule 26(f) Report due 7/22/2015. (cc: all counsel)(Griesbach, William)
07/13/2015	<u>35</u>	<i>Defendant Petra Roter's</i> ANSWER to <u>12</u> Amended Complaint, by Petra Roter.(Kilpatrick, Steven)
07/13/2015	<u>36</u>	<i>Defendant Daryl Sims'</i> ANSWER to <u>12</u> Amended Complaint, by Darryl Sims.(Kilpatrick, Steven)
07/13/2015	<u>37</u>	<i>Defendant Thomas Sonnleitner's</i> ANSWER to <u>12</u> Amended Complaint, by Thomas G Sonnleitner.(Kilpatrick, Steven)
07/28/2015	<u>38</u>	JOINT REPORT of Rule 26(f) Plan & <i>Scheduling Conference Statement</i> by All Plaintiffs. (McKinley, William)
07/29/2015	<u>39</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Scheduling Conference held on 7/29/2015. Mr. Kilpatrick is to file the Motion to Dismiss on or before August 12, 2015. Response due September 10, 2015; Reply due September 24, 2015; Sur-Reply due October 2, 2015. (aw)
08/12/2015	<u>40</u>	MOTION for Judgment on the Pleadings by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells. (Kilpatrick, Steven)
08/12/2015	<u>41</u>	BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells re <u>40</u> MOTION for Judgment on the Pleadings . (Kilpatrick, Steven)
09/08/2015	<u>42</u>	STIPULATION <i>RE: AMENDMENT TO BRIEFING SCHEDULE</i> by All Plaintiffs. (McKinley, William)
09/09/2015		TEXT ONLY ORDER approving <u>42</u> Stipulation to modification of briefing schedule, filed by Thomas Lechnir, signed by Chief Judge William C Griesbach on 09/09/2015. The new deadlines are as follows: Response due September 18, 2015; Reply due October 5, 2015; Sur-Reply due October 14, 2015. (cc: all counsel)(Griesbach, William)
09/17/2015	<u>43</u>	RESPONSE to Motion filed by Thomas Lechnir re <u>40</u> MOTION for Judgment on the Pleadings . (Attachments: # <u>1</u> Wadzinski Decision (Unpublished))(McKinley, William)
09/24/2015	<u>44</u>	REPLY BRIEF in Support filed by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells re <u>40</u> MOTION for Judgment on the Pleadings . (Kilpatrick, Steven)

10/13/2015	<u>45</u>	BRIEF in Opposition filed by Thomas Lechnir re <u>40</u> MOTION for Judgment on the Pleadings (<i>Sur Response Brief</i>). (McKinley, William)
01/15/2016	<u>46</u>	ORDER signed by Chief Judge William C Griesbach on 1-15-16 granting <u>40</u> Motion for Judgment on the Pleadings. (cc: all counsel) (Griesbach, William)
01/20/2016	<u>47</u>	JUDGMENT signed by Deputy Clerk and approved by Chief Judge William C Griesbach on 1/20/2016. (cc: all counsel)(tp)
01/19/2017	<u>48</u>	MOTION to Set Aside Judgment & <i>Set Status Conference</i> by Thomas Lechnir. (Attachments: # <u>1</u> Exhibit A: State Complaint, # <u>2</u> Exhibit B: UW System Statement)(McKinley, William)
01/25/2017	<u>49</u>	MOTION to Withdraw as Attorney <i>for Defendants</i> by Petra Roter, Darryl Sims, Thomas G Sonnleitner, Richard Wells. (Bachhuber, Rachel)
01/26/2017		NOTICE of Electronic Filing Error re <u>49</u> MOTION to Withdraw as Attorney <i>for Defendants</i> filed by Petra Roter, Darryl Sims, Richard Wells, Thomas G Sonnleitner ; All documents should contain the s/signature of the attorney who files the document. 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 (lh)
01/26/2017		TEXT ONLY ORDER GRANTING <u>49</u> MOTION to Withdraw as Attorney for Defendants, filed by Petra Roter, Darryl Sims, Richard Wells, Thomas G Sonnleitner, signed by Chief Judge William C Griesbach on 01/26/2017. The Clerk is directed to schedule a status conference in approximately 30 days to allow new counsel to be obtained by defendants. (cc: all counsel)(Griesbach, William)
01/26/2017	<u>50</u>	NOTICE of Hearing: (cc: all counsel) Status Conference set for 2/27/2017 10:00 AM in Courtroom 201, 125 S. Jefferson St., Green Bay, WI 54301 before Chief Judge William C Griesbach. (lh)
01/26/2017		Copy of Notice of Hearing <u>50</u> and copy of the 1/26/17 Text Only Order NEF sent via U.S. Mail to Richard Wells at Oshkosh and Sarasota addresses, Thomas Sonnleitner, Petra Roter and Darryl Sims (lh)
02/16/2017	<u>51</u>	NOTICE of Appearance by Warren E Buliox on behalf of All Defendants. Attorney(s) appearing: Warren Buliox, Emery Harlan, Nelson W. Phillips III (Buliox, Warren)
02/20/2017	<u>52</u>	LETTER from Attorney McKinley re: Termination . (McKinley, William)
02/24/2017	<u>53</u>	NOTICE of Appearance by Steven M Lubar on behalf of Thomas Lechnir. Attorney(s) appearing: Steven Marc Lubar (Lubar, Steven)
02/27/2017	<u>54</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Status Conference held on 2/27/2017, Telephone Status Conference set for 4/28/2017 10:30 AM before Chief Judge William C Griesbach. (Tape #022717) (cav)
02/27/2017		NOTICE of Hearing: (cc: all counsel) Telephone Status Conference set for 4/28/2017 10:30 AM in By Telephone before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the telephone number at which they can be reached (direct dial preferred) at least two days prior to the telephone conference. In the event counsel are unavailable at the scheduled time of the telephone conference, the conference may be rescheduled and counsel may be required to appear in person. Please provide your telephone number to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov (cav)
04/24/2017		NOTICE of RESCHEDULED Hearing: (cc: all counsel) Status Conference previously set for 4/28/2017 is RESCHEDULED to 5/9/2017 09:30 AM By Telephone before Chief Judge William C Griesbach. (cav)
05/09/2017	<u>55</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Telephone Status Conference held on 5/9/2017. The Court orders this case is stayed. The Court directs the clerk to administratively close this case pending the decision of the state case. The Court directs the parties to file a status report when there is a decision in the state case. A telephone status conference should be scheduled in 3 months if parties believe there are developments that have occurred or if the Court has not heard from the parties at that time. (Tape #050917) (mac)

07/20/2017	<u>56</u>	STATUS REPORT by All Defendants. (Attachments: # <u>1</u> Exhibit State Court Decision)(Buliox, Warren)
07/27/2017		NOTICE of Hearing: Telephone Status Conference set for 8/10/2017 09:20 AM before Chief Judge William C Griesbach. The Court will initiate the call. Counsel are to provide the telephone number at which they can be reached (direct dial preferred) at least <u>two days prior</u> to the telephone conference. In the event counsel are unavailable at the scheduled time of the telephone conference, the conference may be rescheduled and counsel may be required to appear in person. Please provide your telephone number to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov (cc: all counsel)(tlf)
08/10/2017	<u>57</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Telephone Status Conference held on 8/10/2017. The case will continue to be stayed and will be administratively closed. Parties are to notify the court by 6/1/2018, or earlier, with a status report of any updates in the state case. (Tape #081017) (mac)