

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Bashir Sheikh, M.D.,

Plaintiff,

Case No. 11 CV 1

vs.

Grant County Regional Health Center,

Defendant.

**DOCKETING STATEMENT
PURSUANT TO CIRCUIT RULE 3(c)**

The district court had jurisdiction of this action, which asserted claims under Title VII of the Civil Rights Act of 1964 and various common-law tort claims, pursuant to 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1331 (general federal question jurisdiction), 28 U.S.C. § 1367 (supplemental jurisdiction) and 28 U.S.C. § 1332 (diversity jurisdiction). The Plaintiff's claims arose within the geographic boundaries of the Western District of Wisconsin within the meaning of 28 U.S.C. § 1391(b).

This Court has jurisdiction of this appeal pursuant to 28 U.S.C. § 1291. The district court entered a Decision and Order granting the Defendants' Motion for Summary Judgment and dismissing the Plaintiffs' federal law

claims, while declining to exercise supplemental jurisdiction over the Plaintiff's state law claims and the Defendant's state law counterclaim (dkt. #119), on July 2, 2013. The court entered judgment dismissing the Plaintiff's federal law claims on their merits, and dismissing all parties' state law claims without prejudice (dkt. # 120), on July 3, 2014.

In response, the Plaintiff moved to continue jurisdiction over the state law claims based on diversity jurisdiction (dkt. #122) and subsequently demonstrated complete diversity existed at the time this action was commenced (dkt. ##127-128). The Plaintiff demonstrated that he was at all material times domiciled in the state of Illinois (dkt. #128), and the Defendant demonstrated that it was incorporated and had its principal place of business in the state of Wisconsin (dkt. #129). The district court was satisfied that the amount in controversy exceeded "the sum or value of \$75,000" within the meaning of 28 U.S.C. § 1332.

Accordingly, on November 5, 2013, the court vacated the July 3, 2013 judgment, vacated the dismissal of the parties' state law claims and reopened the case. The district court then entered a Decision and Order granting the Defendants' Motion for Summary Judgment, dismissing the Plaintiffs' state law claims and finding for the Defendant on its state law counterclaim (dkt. #138), on January 2, 2014. The district court entered

judgment for the Defendant on January 31, 2014. The district court judgment was final as to all of the claims and all of the parties before it.

No motion for a new trial, nor for alteration of the judgment, nor any motion claimed to toll the time within which to appeal, has been filed since the entry of the January 31, 2014 judgment. The Plaintiff timely filed this appeal by electronically filing a Notice of Appeal in the district court clerk's on February 28, 2014. There have been no prior or related appellate proceedings except for a short-lived appeal from the July 3, 2013 judgment which was assigned no. 13-3452, and withdrawn and dismissed after the district court vacated the July 3, 2013 judgment.

Dated this Friday, February 28, 2014.

Respectfully submitted,

Bashir Sheikh, M.D.,

Plaintiff,

By

THE JEFF SCOTT OLSON LAW FIRM, S.C.

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/s/ Jeff Scott Olson

JEFF SCOTT OLSON

ATTORNEYS FOR PLAINTIFF

Certificate of Service

I hereby certify that on Friday, February 28, 2014, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Kevin John Eldridge, Michael Aldana, and Sarah Edehnan Coyne, and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: none.

/s/ Jeff Scott Olson _____