

APPEAL, CLOSED, DECLINE\_MJ, JMM, PROTECTIVE\_ORDER,

**U.S. District Court**  
**Western District of Wisconsin (Madison)**  
**CIVIL DOCKET FOR CASE #: 3:13-cv-00334-bbc**  
**Internal Use Only**

State of Wisconsin v. Ho-Chunk Nation  
Assigned to: District Judge Barbara B. Crabb  
Referred to: Magistrate Judge Stephen L. Crocker  
Cause: 25:640 Indian Tribal Rights

Date Filed: 05/14/2013  
Date Terminated: 06/13/2014  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Federal Question

**Plaintiff****State of Wisconsin**

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V.

**Defendant****Ho-Chunk Nation**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/14/2013	<u><a href="#">1</a></u>	COMPLAINT against Ho-Chunk Nation ( Filing fee \$ 400 receipt number 0758-1175958), filed by State of Wisconsin. (Attachments: # <u><a href="#">1</a></u> Summons, # <u><a href="#">2</a></u> JS-44 Civil Cover Sheet) (Blythe, Christopher) Modified docket text on 5/14/2013 (mmo). (Entered: 05/14/2013)
05/15/2013		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (krj) (Entered: 05/15/2013)
05/15/2013		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: <a href="#">Briefing Guidelines</a> , <a href="#">Corporate Disclosure Statement</a> , <a href="#">Order Regarding Assignment of Civil Cases</a> , <a href="#">Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment</a> , <a href="#">Order on Dispositive Motions</a> . (krj) (Entered: 05/15/2013)
05/15/2013	<u><a href="#">2</a></u>	Summons Issued as to Ho-Chunk Nation. (krj) (Entered: 05/15/2013)

05/21/2013	<a href="#">3</a>	Notice of Appearance filed by Thomas Munro Pyper for Defendant Ho-Chunk Nation (Pyper, Thomas) (Entered: 05/21/2013)
05/21/2013	<a href="#">4</a>	Motion by Defendant Ho-Chunk Nation - <i>Notice of Related Case 12-cv-505-bbc.</i> (Pyper, Thomas) Modified text on 5/22/2013 (krj). (Entered: 05/21/2013)
05/21/2013	<a href="#">5</a>	Waiver of Service Returned Executed by Defendant Ho-Chunk Nation. Ho-Chunk Nation waiver sent on 5/20/2013, answer due 7/19/2013. (Blythe, Christopher) (Entered: 05/21/2013)
05/22/2013		Set Telephone Pretrial or Status Conference: Telephone Pretrial Conference set for 6/25/2013 at 02:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [ <a href="#">Standing Order Governing Preliminary Pretrial Conference</a> attached] (krj) (Entered: 05/22/2013)
05/28/2013		Case reassigned to District Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker. (lak) (Entered: 05/28/2013)
06/20/2013	<a href="#">6</a>	Joint Preliminary Pretrial Conference Report by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin (Pyper, Thomas) (Entered: 06/20/2013)
06/25/2013		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 6/25/2013 [:10] (skv) (Entered: 06/25/2013)
06/28/2013	<a href="#">7</a>	Pretrial Conference Order - Amendments to Pleadings due 8/1/2013. Dispositive Motions due 12/2/2013. Settlement Letters due 6/6/2014. Court Trial set for 7/14/2014 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 6/27/13. (krj) (Entered: 06/28/2013)
07/18/2013	<a href="#">8</a>	ANSWER by Defendant Ho-Chunk Nation. (Pyper, Thomas) (Entered: 07/18/2013)
08/07/2013	<a href="#">9</a>	Amended Notice of Appearance filed by Clayton P. Kawski for Plaintiff State of Wisconsin . (Kawski, Clayton) Modified docket text on 8/8/2013 (mmo). (Entered: 08/07/2013)
11/01/2013	<a href="#">10</a>	Stipulation regarding adjustments to the scheduling order by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Blythe, Christopher) Modified on 11/1/2013. (lak) (Entered: 11/01/2013)
11/05/2013	11	** TEXT ONLY ORDER ** ORDER The parties' stipulation <a href="#">10</a> to extend the deadline to file dispositive motions is accepted in part. The dispositive motion filing deadline is extended to January 13, 2014, The parties are free to move the expert disclosure deadlines and discovery cutoff as they see fit. Dispositive Motions due 1/13/2014. Signed by Magistrate Judge Stephen L. Crocker on 11/5/2013. (voc) (Entered: 11/05/2013)

11/14/2013	<a href="#">12</a>	Joint Motion for Reconsideration by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin. (Blythe, Christopher) (Entered: 11/14/2013)
12/11/2013	13	** TEXT ONLY ORDER ** ORDER granting <a href="#">12</a> Motion for extension of time, dispositive motions due by 2/17/2014; because the calendar does not allow any additional deadline extensions, none will be allowed. Signed by Magistrate Judge Stephen L. Crocker on 12/11/2013. (voc) (Entered: 12/11/2013)
02/05/2014	<a href="#">14</a>	Joint Motion for Protective Order by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin. (Attachments: # <a href="#">1</a> Text of Proposed Order Protective Order) (Pyper, Thomas) (Entered: 02/05/2014)
02/06/2014	15	** TEXT ONLY ORDER ** ORDER granting <a href="#">14</a> Motion; Protective Order entered. Signed by Magistrate Judge Stephen L. Crocker on 2/6/14. (krj) (Entered: 02/06/2014)
02/12/2014	<a href="#">16</a>	<b>MOTION FOR SUMMARY JUDGMENT</b> by Plaintiff State of Wisconsin. Brief in Opposition due 3/10/2014. Brief in Reply due 3/20/2014. (Blythe, Christopher) Modified briefing deadlines on 2/18/2014 (krj). (Entered: 02/12/2014)
02/12/2014	<a href="#">17</a>	Joint Proposed Findings of Fact filed by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin re: <a href="#">16</a> Motion for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit A--Ordinance, # <a href="#">2</a> Exhibit B--Compact, # <a href="#">3</a> Exhibit C--First Amendment to Compact, # <a href="#">4</a> Exhibit D--Second Amendment to Compact, # <a href="#">5</a> Exhibit E--Third Amendment to Compact, # <a href="#">6</a> Exhibit F--Scratch-Off Games, # <a href="#">7</a> Exhibit G--NIGC Advisory Opinion, # <a href="#">8</a> Exhibit H--LRB Budget Brief 99-6, # <a href="#">9</a> Exhibit I--LRB Research Bulletin 00-1, # <a href="#">10</a> Exhibit J--LRB Information Bulletin 12-2, # <a href="#">11</a> Exhibit K--LRB Budget Brief 04-2) (Blythe, Christopher) (Entered: 02/12/2014)
02/12/2014	<a href="#">18</a>	Affidavit of Christopher J. Blythe filed by Plaintiff State of Wisconsin re: <a href="#">16</a> Motion for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit A--May 1, 2012, Arbitration Opinion, # <a href="#">2</a> Exhibit B--December 5, 2012, Opinion and Order) (Blythe, Christopher) (Entered: 02/12/2014)
02/12/2014	<a href="#">19</a>	Proposed Findings of Fact filed by Plaintiff State of Wisconsin re: <a href="#">16</a> Motion for Summary Judgment (Blythe, Christopher) (Entered: 02/12/2014)
02/17/2014	 <a href="#">20</a>	Supplemental Joint Proposed Findings of Fact filed by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin re: <a href="#">16</a> Motion for Summary Judgment (Sealed Document) (Blythe, Christopher) Modified on 2/18/2014 (krj). (Entered: 02/17/2014)

02/17/2014	<a href="#">21</a>	Supplemental Joint Proposed Findings of Fact filed by Defendant Ho-Chunk Nation, Plaintiff State of Wisconsin re: <a href="#">16</a> Motion for Summary Judgment (Blythe, Christopher) Modified text on 2/18/2014 (krj). (Entered: 02/17/2014)
02/17/2014	<a href="#">22</a>	Brief in Support of <a href="#">16</a> Motion for Summary Judgment by Plaintiff State of Wisconsin (Blythe, Christopher) (Entered: 02/17/2014)
02/17/2014	<a href="#">23</a>	<b>MOTION FOR SUMMARY JUDGMENT</b> by Defendant Ho-Chunk Nation. Brief in Opposition due 3/10/2014. Brief in Reply due 3/20/2014. (Pyper, Thomas) (Entered: 02/17/2014)
02/17/2014	<a href="#">24</a>	Proposed Findings of Fact filed by Defendant Ho-Chunk Nation re: <a href="#">23</a> Motion for Summary Judgment ( <i>Additional</i> ) (Pyper, Thomas) (Entered: 02/17/2014)
02/17/2014	<a href="#">25</a>	Redacted Brief in Support of <a href="#">23</a> Motion for Summary Judgment by Defendant Ho-Chunk Nation (Pyper, Thomas) (Entered: 02/17/2014)
02/17/2014	 <a href="#">26</a>	Brief in Support of <a href="#">23</a> Motion for Summary Judgment by Defendant Ho-Chunk Nation (Sealed Document) (Pyper, Thomas) (Entered: 02/17/2014)
02/17/2014	<a href="#">27</a>	Declaration of Cynthia L. Buchko filed by Defendant Ho-Chunk Nation re: <a href="#">23</a> Motion for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit 1 - Portions of WI 2013-2014 Blue Book, # <a href="#">2</a> Exhibit 2 - Excerpt Oversight Hrg Regulation of Indian Gaming, Stmt of Hogen) (Pyper, Thomas) (Entered: 02/17/2014)
02/17/2014	<a href="#">28</a>	Declaration of Neil F. Purtell filed by Defendant Ho-Chunk Nation re: <a href="#">23</a> Motion for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit 1 - Online ad re 12/21/13 Agrace HospiceCare Charity Poker event, # <a href="#">2</a> Exhibit 2 - Ads for Charity Poker events, # <a href="#">3</a> Exhibit 3 - Poker event advertised on WI Dept of Tourism website, # <a href="#">4</a> Exhibit 4 - Website for Badger Poker, # <a href="#">5</a> Exhibit 5 - Website for Bumble Bee poker, # <a href="#">6</a> Exhibit 6 - Website for Double Deuce poker, # <a href="#">7</a> Exhibit 7 - Website for Tavern Tourneys Poker Leagues, # <a href="#">8</a> Exhibit 8 - Flyer for nightly games run by Badger Poker) (Pyper, Thomas) (Entered: 02/17/2014)
02/18/2014		Set/Reset Deadlines as to <a href="#">16</a> MOTION FOR SUMMARY JUDGMENT . Brief in Opposition due 3/10/2014. Brief in Reply due 3/20/2014. (krj) (Entered: 02/18/2014)
03/10/2014	<a href="#">29</a>	Brief in Opposition by Plaintiff State of Wisconsin re: <a href="#">23</a> Motion for Summary Judgment filed by Ho-Chunk Nation (Blythe, Christopher) (Entered: 03/10/2014)
03/10/2014	<a href="#">30</a>	Response to Proposed Findings of Fact filed by Plaintiff State of Wisconsin re: <a href="#">23</a> Motion for Summary Judgment ( <i>Defendants Additional</i> ) (Blythe, Christopher) (Entered: 03/10/2014)
03/10/2014	<a href="#">31</a>	Response to Proposed Findings of Fact filed by Defendant Ho-Chunk Nation re: <a href="#">16</a> Motion for Summary Judgment (Pyper, Thomas) (Entered: 03/10/2014)

03/10/2014	<a href="#">32</a>	Brief in Opposition by Defendant Ho-Chunk Nation re: <a href="#">16</a> Motion for Summary Judgment filed by State of Wisconsin (Pyper, Thomas) (Entered: 03/10/2014)
03/10/2014	 <a href="#">33</a>	Brief in Opposition by Defendant Ho-Chunk Nation re: <a href="#">16</a> Motion for Summary Judgment filed by State of Wisconsin ( <u>Sealed Document</u> ) (Pyper, Thomas) (Entered: 03/10/2014)
06/02/2014	<a href="#">34</a>	** TEXT ONLY ORDER ** Because the court, like the parties, expects to resolve this case on the pending dispositive motions, the parties are excused from providing any pretrial submissions. Signed by Magistrate Judge Stephen L. Crocker on 6/2/14. (krj) (Entered: 06/02/2014)
06/12/2014	<a href="#">35</a>	ORDER granting <a href="#">16</a> Motion for Summary Judgment filed by State of Wisconsin; denying <a href="#">23</a> Motion for Summary Judgment filed by Ho-Chunk Nation. Ho-Chunk Nation ENJOINED from offering electronic poker at Ho-Chunk Gaming Madison in the absence of a compact between the parties that permits electronic poker at the Madison facility; injunction shall take effect 30 days after conclusion of any appeals filed by Ho-Chunk Nation or 30 days after expiration of Ho-Chunk Nation's deadline for filing an appeal, whichever is later. Signed by District Judge Barbara B. Crabb on 6/12/14. (krj) (Entered: 06/12/2014)
06/13/2014	<a href="#">36</a>	JUDGMENT entered in favor of Plaintiff State of Wisconsin dismissing the case. (BBC / PAO). (krj) (Entered: 06/13/2014)
06/17/2014	<a href="#">37</a>	Unopposed Motion to correct <a href="#">35</a> Order on Motion for Summary Judgment. (Blythe, Christopher) Modified event on 6/18/2014 (krj). (Entered: 06/17/2014)
06/18/2014	<a href="#">38</a>	ORDER correcting <a href="#">35</a> June 12, 2014 order. On page 10, in the third sentence of the second full paragraph, the word "state" is replaced with the word "Nation." Signed by District Judge Barbara B. Crabb on 6/18/14. (krj) (Entered: 06/18/2014)
07/10/2014	<a href="#">39</a>	Notice of Appearance of <i>Sheila Corbine and Michael Murphy</i> filed by Thomas Munro Pyper for Defendant Ho-Chunk Nation. (Pyper, Thomas) (Entered: 07/10/2014)
07/11/2014	<a href="#">40</a>	NOTICE OF APPEAL by Defendant Ho-Chunk Nation as to <a href="#">35</a> Order on Motion for Summary Judgment, <a href="#">36</a> Judgment, <a href="#">38</a> Order. Filing fee of \$505, receipt number 0758-1380728 paid. Docketing Statement filed. (Attachments: # <a href="#">1</a> 7th Circuit Rule 3(c) Docketing Statement) (Pyper, Thomas) Modified on 7/11/2014. (lak) (Entered: 07/11/2014)
07/11/2014	<a href="#">41</a>	Transmission of Notice of Appeal, Docketing Statement, Appeal Information Sheet, Docket Sheet and Judgment to Seventh Circuit Court of Appeals re <a href="#">40</a> Notice of Appeal, (Attachments: # <a href="#">1</a> Information Sheet, # <a href="#">2</a> Docketing Statement, # <a href="#">3</a> Order, # <a href="#">4</a> Order 2, # <a href="#">5</a> Judgment,

		# <a href="#">6</a> Docket Sheet) (jat) (Entered: 07/11/2014)
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