

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:13-cv-00475-bbc**

Conrad, Catherine v. Batz, David et al
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:1338 Copyright Infringement

Date Filed: 07/08/2013
Date Terminated: 02/24/2014
Jury Demand: None
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff**Catherine Conrad**

represented by **Catherine Conrad**
4230 East Towne Blvd., #183
Madison, WI 53704
608-957-1393
PRO SE

V.

Defendant**David Batz**

represented by **Karen M. Gallagher**
Coyne, Schultz, Becker & Bauer, S.C.
150 E. Gilman St., Suite 1000
Madison, WI 53703
608-255-1388
Fax: 608-255-8592
Email: kgallagher@cnsbb.com
ATTORNEY TO BE NOTICED

Defendant**Sharon Batz**

represented by **Karen M. Gallagher**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Shanauba Productions**

represented by **Karen M. Gallagher**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Karen M. Gallagher***TERMINATED: 08/16/2013***Defendant****Amy K. Scholl***TERMINATED: 08/16/2013***Defendant****Coyne, Schultz, Becker & Bauer, S.C.***TERMINATED: 08/16/2013*

Date Filed	#	Docket Text
07/08/2013	<u>1</u>	COMPLAINT against All Defendants, filed by Catherine Conrad. (Case non-randomly assigned to District Judge Barbara B. Crabb.) (Attachments: # <u>1</u> Exhibit List,

		# <u>2</u> Exhibit A – Attorney Gallagher email on April 15, 2013, # <u>3</u> Exhibit B – Web Hosting Agreement with Defendants, # <u>4</u> Exhibit C – Plaintiff's Federal Copyrights, # <u>5</u> Exhibit D – Plaintiff's Federal Trade Dress, # <u>6</u> Exhibit E – Plaintiff's Federal Trademarks, # <u>7</u> Exhibit F – Associated Bank Fraud from Defendants, # <u>8</u> Exhibit G – www.bananalady.com website, # <u>9</u> Exhibit H – Google analytics for Sept. to October 2012) (jef) (Entered: 07/09/2013)
07/08/2013	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Catherine Conrad. (jef),(ps) (Entered: 07/09/2013)
07/11/2013	<u>3</u>	ORDER on ifp request: Complaint taken under advisement for screening. Signed by Magistrate Judge Stephen L. Crocker on 7/11/2013. (jef),(ps) (Entered: 07/11/2013)
08/16/2013	<u>4</u>	ORDER dismissing complaint as to defendants Karen Gallagher, Amy Scholl and Coyne, Schultz, Becker & Bauer, S.C. for plaintiff's failure to state a claim upon which relief may be granted. Plaintiff may have until September 6, 2013 to show cause why the complaint should not be dismissed as to the remaining defendants under the doctrine of issue preclusion. Signed by District Judge Barbara B. Crabb on 8/16/2013. (elc),(ps) (Entered: 08/16/2013)
09/06/2013	<u>5</u>	Response to <u>4</u> Order, by Plaintiff Catherine Conrad. (Attachments: # <u>1</u> Certificate of Service) (jef),(ps) (Entered: 09/09/2013)
09/06/2013	<u>6</u>	Affidavit of Catherine Conrad re: <u>5</u> Response to order. (Attachments: # <u>1</u> Exhibit B – Dane Co. 12–cv–4772 motion hearing transcript, 4/23/13, # <u>2</u> Certificate of Service) (jef),(ps) (Entered: 09/09/2013)
10/22/2013	<u>7</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants David Batz, Sharon Batz and Shanauba Productions. Service to be made by USMS. Signed by District Judge Barbara B. Crabb on 10/22/2013. (elc),(ps) (Entered: 10/22/2013)
10/23/2013	<u>8</u>	Summons Issued as to David Batz, Sharon Batz, Shanauba Productions. Forwarded to USMS for service. (Attachments: # <u>1</u> Summons as to Sharon Batz, # <u>2</u> Summons as to Shanauba Productions) (jef),(ps) (Entered: 10/24/2013)
12/13/2013	<u>9</u>	Marshal Service Return Executed. David Batz served on 11/25/2013; Sharon Batz served on 11/25/2013; Shanauba Productions served on 11/25/2013. (Attachments: # <u>1</u> USMS form as to Sharon Batz, # <u>2</u> USMS form as to Shanauba Productions) (jef),(ps) (Entered: 12/13/2013)
12/16/2013	<u>10</u>	Notice of Appearance filed by Karen M. Gallagher for Defendants David Batz, Sharon Batz, Shanauba Productions (Gallagher, Karen),(ps) (Entered: 12/16/2013)
12/16/2013	<u>11</u>	MOTION TO DISMISS by Defendants David Batz, Sharon Batz, Shanauba Productions. (Gallagher, Karen),(ps) (Entered: 12/16/2013)
12/16/2013	<u>12</u>	Brief in Support of <u>11</u> Motion to Dismiss by Defendants David Batz, Sharon Batz, Shanauba Productions (Gallagher, Karen),(ps) (Entered: 12/16/2013)
12/16/2013	<u>13</u>	Affidavit of Karen M. Gallagher filed by Defendants David Batz, Sharon Batz, Shanauba Productions re: <u>11</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit 1 – Webhosting Agreement, # <u>2</u> Exhibit Complaint, # <u>3</u> Exhibit Amended Complaint, # <u>4</u> Exhibit 4 – Transcript of Hrg. 3.11.13) (Gallagher, Karen),(ps) (Entered: 12/16/2013)
12/17/2013		Set Deadlines as to <u>11</u> MOTION TO DISMISS . Plaintiff's Brief in Opposition due 1/7/2014. Defendants' Brief in Reply due 1/17/2014. (elc),(ps) (Entered: 12/17/2013)

12/17/2013		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 2/18/2014 at 02:00 PM before Magistrate Judge Stephen L. Crocker. Plaintiff responsible for contacting the court at (608) 264-5153. Once plaintiff's call has been received, the court will then include counsel for defendant in the conference call. [Notice Regarding the Telephone Preliminary Pretrial Conference attached] (elc),(ps) (Entered: 12/17/2013)
01/07/2014	<u>14</u>	Brief in Opposition by Plaintiff Catherine Conrad re: <u>11</u> Motion to Dismiss filed by Sharon Batz, David Batz, Shanauba Productions (Attachments: # <u>1</u> Certificate of Service) (jaf),(ps) (Entered: 01/07/2014)
01/07/2014	<u>15</u>	Affidavit of Catherine Conrad filed by Plaintiff Catherine Conrad re: <u>11</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit B – WI Dept. of Finance Printout of RigRad Music & Publishing LLC Banana Productions LLC as of 1-1-14, # <u>2</u> Exhibit C – PACER Summary of Case No. 09-cv-49-bbc, # <u>3</u> Exhibit D – PACER Summary of Case No. 13-cv-461-bbc, # <u>4</u> Exhibit E – PACER Summary of Case No. 11-cv-305-bbc, # <u>5</u> Exhibit F – PACER Summary of Case No. 09-cv-566-bbc, # <u>6</u> Exhibit G – PACER Summary of Case No. 09-cv-499-bbc, # <u>7</u> Exhibit H – PACER Summary of Case No. 13-cv-475, # <u>8</u> Exhibit I – Order in Case No. 09-cv-49-bbc, # <u>9</u> Exhibit J – Order in Case No. 09-cv-566-bbc, # <u>10</u> Exhibit K – Amended Complaint in Case No. 09-cv-566-bbc, # <u>11</u> Exhibit L – 4-15-13 Email, # <u>12</u> Exhibit M – Order in Case No. 09-cv-499-bbc, # <u>13</u> Exhibit N – 2005-2010 Tax Documents, # <u>14</u> Exhibit P – Web Host Contract, # <u>15</u> Exhibit Q – bananalady.com Contact Page, # <u>16</u> Exhibit R – Trademarks, # <u>17</u> Exhibit S – List of Copyrights and Trademarks and Registration Numbers, # <u>18</u> Exhibit T – Website Homepage for bananalady.com, # <u>19</u> Exhibit U – 3-28-13 Letter, # <u>20</u> W – 1-29-09 Email, # <u>21</u> Certificate of Service) (jaf),(ps) (Entered: 01/07/2014)
01/07/2014	<u>16</u>	Transcript of Deposition of Jack Von Rutenberg held on 2/11/2010 (jaf),(ps) (Entered: 01/07/2014)
01/13/2014	<u>17</u>	Declaration of Catherine Conrad filed by Plaintiff Catherine Conrad re: <u>11</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit D – 1-6-07 Certificate of Registration, # <u>2</u> Exhibit E – 5-9-07 Certificate of Registration, # <u>3</u> Exhibit F – 3-1-08 Certificate of Registration, # <u>4</u> Exhibit G – 1-6-07 Certificate of Registration, # <u>5</u> Exhibit H – 11-1-10 Email, # <u>6</u> Certificate of Service) (jaf),(ps) (Entered: 01/13/2014)
01/13/2014	<u>18</u>	Transcript Deposition of Rodney J. Rigsby held on 12/11/09 in Case No. 09-cv-49 (jaf),(ps) (Entered: 01/13/2014)
01/13/2014	<u>19</u>	Transcript of Deposition of Catherine A. Conrad held on 12/11/09 in Case No. 09-cv-49 (jaf),(ps) (Main Document 19 replaced on 1/17/2014) (jef). (Entered: 01/13/2014)
01/17/2014	<u>20</u>	Brief in Reply by Defendants David Batz, Sharon Batz, Shanauba Productions in Support of <u>11</u> Motion to Dismiss (Gallagher, Karen),(ps) (Entered: 01/17/2014)
02/18/2014		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 2/18/2014 [:10] (cak),(ps) (Entered: 02/18/2014)
02/20/2014	<u>21</u>	Pretrial Conference Order – Dispositive Motions due 10/17/2014. Final Pretrial Submissions and Disclosures due 3/27/2015. Responses due 4/10/2015. Final Pretrial Conference set for 4/23/2015 at 04:00 PM. Jury Selection and Trial set for 4/27/2015 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 2/19/2014. (jef),(ps) (Entered: 02/20/2014)

02/24/2014	<u>22</u>	ORDER granting <u>11</u> Motion to Dismiss. Plaintiff Catherine Conrad's claim under 15 U.S.C. § 1125(d) is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted. Plaintiff's state law claim for conversion is DISMISSED WITHOUT PREJUDICE to her refileing it in state court. Plaintiff's request for sanctions is DENIED. The clerk of court is directed to enter judgment accordingly. Signed by District Judge Barbara B. Crabb on 2/24/2014. (jef),(ps) (Entered: 02/24/2014)
02/24/2014	<u>23</u>	JUDGMENT entered in favor of defendants dismissing this case. (PAO/jef). (jef),(ps) (Entered: 02/24/2014)
03/10/2014	<u>24</u>	NOTICE OF APPEAL by Plaintiff Catherine Conrad as to <u>22</u> Order, <u>23</u> Judgment. In forma pauperis requested. Docketing Statement filed. (Attachments: # <u>1</u> Docketing statement (unsigned), # <u>2</u> Certificate of Service) (jef),(ps) (Entered: 03/11/2014)
03/10/2014	<u>25</u>	Motion for Leave to Proceed in forma pauperis on Appeal by Plaintiff Catherine Conrad. (jef),(ps) (Entered: 03/11/2014)
03/10/2014	<u>26</u>	Letter from Clerk's Office returning <u>24</u> docketing statement to plaintiff for signature. (jef),(ps) (Entered: 03/11/2014)
03/11/2014	<u>27</u>	Appeal Information Packet. (jef),(ps) (Entered: 03/11/2014)
03/11/2014	<u>28</u>	Docketing Statement re <u>24</u> Notice of Appeal. (jef),(ps) (Entered: 03/11/2014)
03/11/2014	<u>29</u>	Transcript Request Form by Plaintiff Catherine Conrad re <u>24</u> Notice of Appeal. (jef),(ps) Forwarded to court reporter for signature. (jef) (Entered: 03/11/2014)