

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

BLACK EARTH MEAT MARKET, LLC
and
KEMPER BARTLETT DURAND, JR.

Plaintiffs,

v.

Civil Action No.: 14-CV-674

**VILLAGE OF BLACK EARTH,
PATRICK TROGE,
PATRICK FREY,
TED PRITCHETT,
THOMAS PARRELL,
JAMES COYLE,
BETH MARTY,
and
WALT MILLER**

Defendants.

**SEVENTH CIRCUIT RULE 3(c) DOCKETING STATEMENT OF PLAINTIFFS, BLACK
EARTH MEAT MARKET, LLC AND KEMPER BARTLETT DURAND, JR.**

Plaintiffs, Black Earth Meat Market, LLC (“BE Meats”) and Kemper Bartlett Durand, Jr. (“Durand”), by their undersigned counsel, respectfully submit this Docketing Statement pursuant Circuit Court Rule 3(c) of the United States Court of Appeals for the Seventh Circuit.

I. DISTRICT COURT JURISDICTION.

The United States District Court for the Western District of Wisconsin (“District Court”) has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (Federal Question) and 42 U.S.C. § 1983 (Section 1983 Civil Rights Actions), and the U.S. Const. amends. XIV (Due Process and Equal Protection Clauses), and V (Takings Clause).

II. APPELLATE COURT JURISDICTION.

Both 28 U.S.C. § 1291 and 28 U.S.C. § 1294 confer jurisdiction over this appeal to the United States Court of Appeals for the Seventh Circuit. The final Judgment was entered by the U.S. District Court for the Western District of Wisconsin on November 19, 2015. BE Meats' and Durand's Notice of Appeal was timely filed with the District Court on December 18, 2015.

There have been no motions for a new trial, alterations to the judgment, or any other motion claimed to toll the time within which to appeal. Additionally, this case is not a direct appeal from a final judgment of a magistrate judge.

III. APPEAL OF AN IMMEDIATELY APPEALABLE FINAL JUDGMENT.

As previously noted, a final appealable judgment was entered by the U.S. District Court for the Western District of Wisconsin on November 19, 2015. This is a civil appeal as a matter of right pursuant to Federal Rule of Appellate Procedure 3(a) and Circuit Rule 3(a).

IV. PRIOR OR RELATED APPELLATE PROCEEDINGS.

There have been no prior or related appellate proceedings in this case.

V. OFFICIAL CAPACITY.

Some of the parties to the litigation appear in an official capacity. In particular, Defendant Patrick Troge was and remains a Village Trustee of the Village of Black Earth. Defendant Patrick Frey was a Village Trustee of the Village of Black Earth at all times relevant to this case. Defendant Ted Pritchett was and remains a Village Trustee of the Village of Black Earth. Defendant Thomas Parrell was and remains a Village Trustee of the Village of Black Earth. Defendant James Coyle was and remains a Village Trustee of the Village of Black Earth. Beth Marty was a Village Trustee of the Village of Black Earth at all times relevant to this case. Defendant Walt Miller was and remains Village Trustee of the Village of Black Earth.

VI. ADDITIONAL REQUIREMENTS OF CIRCUIT RULE 3(c)(1).

This is a civil case that does not involve any criminal convictions. Therefore, this case does not involve a collateral attack on a criminal conviction and 28 U.S.C. § 1915(g) is inapplicable.

Respectfully submitted this 18th day of December, 2015.

FUHRMAN & DODGE, S.C.

/s/ Brittany A. Wilson

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¹ For purposes of this appeal, Attorney Pfeil will be counsel of record.