

**U.S. District Court  
Western District of Wisconsin (Madison)  
CIVIL DOCKET FOR CASE #: 3:14-cv-00792-wmc**

W., S. et al v. Evers, Tony et al  
Assigned to: District Judge William M. Conley  
Referred to: Magistrate Judge Stephen L. Crocker  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 11/18/2014  
Date Terminated: 10/16/2017  
Jury Demand: Defendant  
Nature of Suit: 950 Constitutional - State Statute  
Jurisdiction: Federal Question

**Plaintiff**

**S. W.**  
*A minor by S.G., his parent.*

represented by **Richard M. Esenberg**  
Wisconsin Institute for Law & Liberty  
1139 E. Knapp Street  
Milwaukee, WI 53202  
414-213-3957  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**S. G.**  
*In her individual capacity.*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Ca. R.**  
*A minor by parent D.R.*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
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**Plaintiff**

**Ch. R.**  
*A minor by parent D.R.*

represented by **Richard M. Esenberg**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**D. R.**  
*In her individual capacity.*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**P. F.**  
*A minor by A.F. his parent.*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*

**Plaintiff**

**A. F.**

*In his individual capacity.*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**R. W.**

*A minor, by E.W., his parent*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**E. W.**

*In her individual capacity*

represented by **Richard M. Esenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**S. B.**

*A minor, by N.B., his parent*

represented by **Richard M. Esenberg**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**N. B.**

*In her individual capacity*

represented by **Richard M. Esenberg**  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Tony Evers**

*In his official capacity as Wisconsin  
Superintendent of Public Instruction  
TERMINATED: 10/03/2017*

represented by **Anthony David Russomanno**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**State of Wisconsin Dept. of Public Instruction**  
*TERMINATED: 10/03/2017*

represented by **Anthony David Russomanno**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charlotte Gibson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Maura FJ Whelan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Elkhorn Area School District**  
*TERMINATED: 10/03/2017*

represented by **David E. Rohrer**  
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*TERMINATED: 06/14/2016*  
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**Defendant**

**Greendale School District**  
*TERMINATED: 10/03/2017*

represented by **David E. Rohrer**  
(See above for address)  
*TERMINATED: 06/14/2016*  
*ATTORNEY TO BE NOTICED*

**JoAnn M. Hart**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**M. Tess O'Brien-Heinzen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Muskego-Norway School District**  
*TERMINATED: 10/03/2017*

represented by **Heather D. Mogden**  
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**Defendant**

**Shorewood School District**  
*TERMINATED: 10/03/2017*

represented by **Kevin Christophe Pollard**  
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262-251-5330  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Paris J1 School District**

represented by **Jennifer Barwinski**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dustin T. Woehl**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Heather D. Mogden**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/2014	<a href="#">1</a>	COMPLAINT against All Defendants. ( Filing fee \$ 400 receipt number 0758-1450328.), filed by All Plaintiffs. (Attachments: # <a href="#">1</a> JS-44 Civil Cover Sheet, # <a href="#">2</a> Summons, # <a href="#">3</a> Summons, # <a href="#">4</a> Summons, # <a href="#">5</a> Summons, # <a href="#">6</a> Summons) (Esenberg, Richard) (Entered: 11/18/2014)
11/19/2014		Case randomly assigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (voc) (Entered: 11/19/2014)
11/19/2014		Standard attachments for Judge William M. Conley required to be served on all parties with summons or waiver of service: <a href="#">NORTC</a> , <a href="#">Corporate Disclosure Statement</a> . (voc) (Entered: 11/19/2014)
11/19/2014	<a href="#">2</a>	Summons Issued as to Elkhorn Area School District, Tony Evers, Greendale School District, Muskego-Norway School District, State of Wisconsin Dept. of Public Instruction. (Attachments: # <a href="#">1</a> Summons tate of Wisconsin Dept. of Public Instruction, # <a href="#">2</a> Summons Elkhorn Area School District, # <a href="#">3</a> Summons Greendale School District, # <a href="#">4</a> Summons Muskego-Norway School District) (voc) (Entered: 11/19/2014)
12/16/2014	<a href="#">3</a>	Waiver of Service Returned Executed by Defendant Tony Evers. Tony Evers waiver sent on 11/21/2014, answer due 1/20/2015. (Esenberg, Richard) (Entered: 12/16/2014)
12/16/2014	<a href="#">4</a>	Waiver of Service Returned Executed by Defendant State of Wisconsin Dept. of Public Instruction. State of Wisconsin Dept. of Public Instruction waiver sent on 11/21/2014, answer due 1/20/2015. (Esenberg, Richard) (Entered: 12/16/2014)
12/16/2014	<a href="#">5</a>	Waiver of Service Returned Executed by Defendant Muskego-Norway School District. Muskego-Norway School District waiver sent on 11/21/2014, answer due 1/20/2015. (Esenberg, Richard) (Entered: 12/16/2014)
12/17/2014	<a href="#">6</a>	Notice of Appearance of Counsel - AAG Anthony D. Russomanno, AAG Maura FJ Whelan and AAG Charlotte Gibson filed by Anthony David Russomanno for Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction. (Russomanno, Anthony) (Entered: 12/17/2014)
12/22/2014	<a href="#">7</a>	Waiver of Service Returned Executed by Defendant Elkhorn Area School District. Elkhorn Area School District waiver sent on 11/21/2014, answer due 1/20/2015. (Esenberg, Richard) (Entered: 12/22/2014)
12/22/2014	<a href="#">8</a>	Waiver of Service Returned Executed by Defendant Greendale School District. Greendale School District waiver sent on 11/21/2014, answer due 1/20/2015. (Esenberg, Richard) (Entered: 12/22/2014)
01/09/2015	<a href="#">9</a>	Stipulation for extension of time to file answer by Defendants Elkhorn Area School District, Greendale School District. (Rohrer, David) Modified on 1/9/2015 (voc). (Entered: 01/09/2015)

01/09/2015 10 \*\* TEXT ONLY ORDER \*\*  
ORDER granting [9](#) Motion for Extension of Time to Answer. Elkhorn Area School District answer due 1/30/2015; Greendale School District answer due 1/30/2015. Signed by Magistrate Judge Stephen L. Crocker on 1/9/2015. (voc) (Entered: 01/09/2015)

01/20/2015 [11](#) ANSWER by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction. (Russomanno, Anthony) (Entered: 01/20/2015)

01/20/2015 [12](#) ANSWER with Jury Demand by Defendant Muskego-Norway School District. (Barwinski, Jennifer) (Entered: 01/20/2015)

01/20/2015 [13](#) Notice of Appearance filed by Jennifer Barwinski for Defendant Muskego-Norway School District. (Barwinski, Jennifer) (Entered: 01/20/2015)

01/20/2015 [14](#) Corporate Disclosure Statement by Defendant Muskego-Norway School District. (Barwinski, Jennifer) (Entered: 01/20/2015)

01/20/2015 Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 2/17/2015 at 02:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [[Standing Order Governing Preliminary Pretrial Conference](#) attached] (voc) (Entered: 01/20/2015)

01/29/2015 [15](#) ANSWER by Defendants Elkhorn Area School District, Greendale School District. (Rohrer, David) (Entered: 01/29/2015)

02/11/2015 [16](#) Joint Report of Rule 26(f) Planning Meeting. (Esenberg, Richard) (Entered: 02/11/2015)

02/12/2015 [17](#) Stipulation for Protective Order by Plaintiffs A. F., P. F., S. G., Ca. R., Ch. R., D. R., S. W.. (Attachments: # [1](#) Proposed Order) (Esenberg, Richard) (Entered: 02/12/2015)

02/12/2015 18 \*\* TEXT ONLY ORDER \*\*  
The parties' stipulation [17](#) for a protective order is accepted and entered. It is ORDERED that the identities of all of the plaintiffs are confidential and that all of the plaintiffs will be referred to throughout this litigation by their initials as set forth in the summons and complaint. Signed by Magistrate Judge Stephen L. Crocker on 2/12/2015. (voc) (Entered: 02/12/2015)

02/23/2015 [19](#) Pretrial Conference Order: Amendments to the Pleadings due 2/27/2015. Dispositive Motions due 7/31/2015. Settlement Letters due 3/4/2016. Rule 26(a)(3) Disclosures and Motions in Limine due 3/11/2016, Responses due 3/25/2016. Final Pretrial Conference set for 4/5/2016 at 4:00 PM. Jury Selection and Trial set for 4/11/2016 at 9:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 2/19/2015. (arw) (Entered: 02/23/2015)

02/27/2015 [20](#) AMENDED COMPLAINT (*Adding Parties*) against All Defendants, filed by All Plaintiffs. (Attachments: # [1](#) Summons - Paris J1 School District, # [2](#) Summons - Shorewood School District) (Esenberg, Richard) Modified on 2/27/2015. (lak) (Entered: 02/27/2015)

03/02/2015 [21](#) Summons Issued as to Paris J1 School District, Shorewood School District. (Attachments: # [1](#) Summons Paris J1 School District) (voc) (Entered: 03/02/2015)

03/11/2015 [22](#) ANSWER to Amended Complaint by Defendants Elkhorn Area School District, Greendale School District. (Hart, JoAnn) (Entered: 03/11/2015)

03/12/2015 [23](#) Affidavit of Service by All Plaintiffs. Defendant Paris J1 School District served 3/9/2015; answer due 3/30/2015. (Esenberg, Richard) Modified on 3/13/2015 to add the party who was served and the answer due date. (lak) (Entered: 03/12/2015)

- 03/13/2015 [24](#) Affidavit of Service by Plaintiff. Shorewood School District served on 3/9/2015, answer due 3/30/2015. (Esenberg, Richard) (Entered: 03/13/2015)
- 03/13/2015 [25](#) ANSWER to Amended Complaint by Defendants Muskego-Norway School District, Paris J1 School District. (Mogden, Heather) (Entered: 03/13/2015)
- 03/13/2015 [26](#) ANSWER to Amended Complaint by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction. (Russomanno, Anthony) Modified on 3/13/2015 (jaf). (Entered: 03/13/2015)
- 03/27/2015 [27](#) Notice of Appearance filed by Kevin Christophe Pollard for Defendant Shorewood School District. (Pollard, Kevin) (Entered: 03/27/2015)
- 03/27/2015 [28](#) ANSWER to Amended Complaint *and Affirmative Defenses* by Defendant Shorewood School District. (Pollard, Kevin) (Entered: 03/27/2015)
- 03/30/2015 [29](#) *Amended* ANSWER to Amended Complaint by Defendant Shorewood School District. (Pollard, Kevin) (Entered: 03/30/2015)
- 07/22/2015 [30](#) Stipulation to amend schedule for dispositive motions by Defendants Elkhorn Area School District, Greendale School District. (Hart, JoAnn) (Entered: 07/22/2015)
- 07/24/2015 31 **\*\* TEXT ONLY ORDER \*\***  
ORDER accepting and entering [30](#) Stipulation to Amend Schedule for Dispositive Motions. Defendants' Dispositive Motions due 9/14/2015. Signed by Magistrate Judge Stephen L. Crocker on 7/24/2015. (kwf) (Entered: 07/24/2015)
- 07/29/2015 [32](#) **MOTION FOR SUMMARY JUDGMENT** by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W.. Brief in Opposition due 8/28/2015. Brief in Reply due 9/14/2015. (Esenberg, Richard) Modified on 10/10/2017 (voc/bw/aw). (Entered: 07/29/2015)
- 07/29/2015 [33](#) Brief in Support of [32](#) Motion for Summary Judgment by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. (Esenberg, Richard) (Entered: 07/29/2015)
- 07/29/2015 [34](#) Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment (Esenberg, Richard) (Entered: 07/29/2015)
- 07/29/2015 [35](#) Declaration of S.G. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Physicians Order, # [2](#) Exhibit B Part 1 of 6 - June, 2013 IEP Evaluation Report, # [3](#) Exhibit B Part 2 of 6 - June, 2013 IEP Evaluation Report, # [4](#) Exhibit B Part 3 of 6 - June, 2013 IEP Evaluation Report, # [5](#) Exhibit B Part 4 of 6 - June, 2013 IEP Evaluation Report, # [6](#) Exhibit B Part 5 of 6 - June, 2013 IEP Evaluation Report, # [7](#) Exhibit B Part 6 of 6 - June, 2013 IEP Evaluation Report, # [8](#) Exhibit C - Rejection Letter Dated 5/20/2014) (Esenberg, Richard) Modified on 7/30/2015 to clarify exhibits and add descriptions. (lak) (Entered: 07/29/2015)
- 07/29/2015 [36](#) Declaration of N.B. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment (Attachments: # [1](#) Exhibit A - Revocation Letter Dated 10/8/2014, # [2](#) Exhibit B Part 1 of 4 - Original IEP Evaluation, # [3](#) Exhibit B Part 2 of 4 - Original IEP Evaluation, # [4](#) Exhibit B Part 3 of 4 - Original IEP Evaluation, # [5](#) Exhibit B Part 4 of 4 - Original IEP Evaluation, # [6](#) Exhibit C Part 1 of 2 - Most Recent IEP,



# [7](#) Exhibit C Part 2 of 2 - Most Recent IEP,

# [8](#) Exhibit D - Filled Out Form) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/29/2015 [37](#) Declaration of E.W. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - January, 2008 Psychological Evaluation, # [2](#) Exhibit B - April, 2015 IEP Evaluation Report, # [3](#) Exhibit C - May, 2012 Paris School District Acceptance Letter, # [4](#) Exhibit D - August, 2012 Paris School District Revocation Letter) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/29/2015 [38](#) Declaration of A.F. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - May, 2006 Psychological Evaluation, # [2](#) Exhibit B - June, 2014 IEP Evaluation Report, # [3](#) Exhibit C - Letter Denying P.F's Application, # [4](#) Exhibit D - DPI Decision) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/29/2015 [39](#) Declaration of D.R. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Physicians Orders, # [2](#) Exhibit B Part 1 of 5 - December, 2012 IEP Evaluation Report, # [3](#) Exhibit B Part 2 of 5 - December, 2012 IEP Evaluation Report, # [4](#) Exhibit B Part 3 of 5 - December, 2012 IEP Evaluation Report, # [5](#) Exhibit B Part 4 of 5 - December, 2012 IEP Evaluation Report, # [6](#) Exhibit B Part 5 of 5 - December, 2012 IEP Evaluation Report, # [7](#) Exhibit C Part 1 of 3 - April, 2013 IEP Evaluation Report, # [8](#) Exhibit C Part 2 of 3 - April, 2013 IEP Evaluation Report, # [9](#) Exhibit C Part 3 of 3 - April, 2013 IEP Evaluation Report, # [10](#) Exhibit D - Rejection Letters Dated 6/6/2014) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/29/2015 [40](#) Declaration of CJ Szafir filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Screenshot from the Dept. of Public Instruction's Website, # [2](#) Exhibit B - Defendants' Responses to Written Discovery, # [3](#) Exhibit C - Title Page for an Informational Paper on Open Enrollment, # [4](#) Exhibit D - DPI Public School Choice Proposal from 1997, # [5](#) Exhibit E - Wisconsin Legislative Council Staff Memo, # [6](#) Exhibit F - Meeting Minutes for Elkhorn School District, # [7](#) Exhibit G - Meeting Minutes for Muskego-Norway School District) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/29/2015 [41](#) Declaration of Scott Jensen filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - DPI Report) (Esenberg, Richard) Modified on 7/30/2015. (lak) (Entered: 07/29/2015)

07/30/2015 [42](#) Notice by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [33](#) Brief in Support of [32](#) Motion for Summary Judgment. (*Appendix of Non-Published Cases and WI Stat 118.51.*), (Attachments: # [1](#) Exhibit - WI Stat. 118.51 FT Open Enrollment,

# [2](#) Exhibit - Case: Brewer v. WI Bd of Bar Examiners,

# [3](#) Exhibit - Case: BPS v Bd of Trustees) (Esenberg, Richard) Modified on 7/30/2015: Linked to the pending motion. (lak) (Entered: 07/30/2015)

- 09/11/2015 [43](#) Notice of Appearance filed by M. Tess O'Brien-Heinzen for Defendants Elkhorn Area School District, Greendale School District. (O'Brien-Heinzen, M.) (Entered: 09/11/2015)
- 09/14/2015 [44](#) Response to Proposed Findings of Fact filed by Defendants Elkhorn Area School District, Greendale School District re: [32](#) Motion for Summary Judgment. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [45](#) **MOTION FOR SUMMARY JUDGMENT** by Defendant Elkhorn Area School District. Brief in Opposition due 10/14/2015. Brief in Reply due 10/29/2015. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [46](#) Proposed Findings of Fact filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [47](#) Declaration of Jodi Essman filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment, (Attachments:  
# [1](#) Exhibit A - S.W.'s Application for Open Enrollment,  
# [2](#) Exhibit B - Copy of Request,  
# [3](#) Exhibit C - OPAL Print Out,  
# [4](#) Exhibit D - List of Applicants,  
# [5](#) Exhibit E - List of Alternative Applicants,  
# [6](#) Exhibit F - Approval Letters,  
# [7](#) Exhibit G - E-mail) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Added exhibit descriptions. (lak) (Entered: 09/14/2015)
- 09/14/2015 [48](#) **MOTION FOR SUMMARY JUDGMENT** by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction. Brief in Opposition due 10/14/2015. Brief in Reply due 10/29/2015. (Russomanno, Anthony) (Entered: 09/14/2015)
- 09/14/2015 [49](#) Declaration of Jason K. Tadlock filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment, (Attachments:  
# [1](#) Exhibit A - Policy,  
# [2](#) Exhibit B - Minutes,  
# [3](#) Exhibit C - E-mail,  
# [4](#) Exhibit D - OPAL Page,  
# [5](#) Exhibit E - E-mail,  
# [6](#) Exhibit F - E-mail,  
# [7](#) Exhibit G - E-mail,  
# [8](#) Exhibit H - E-mail) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Added exhibit descriptions. (lak) (Entered: 09/14/2015)
- 09/14/2015 [50](#) Brief in Support of [48](#) Motion for Summary Judgment by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction, (Attachments:  
# [1](#) Sneed v. City of Harvey, Ill (unpublished case),  
# [2](#) Praker v. Indiana (unpublished case),  
# [3](#) B.C. v. Banks (unpublished case) (Russomanno, Anthony) Modified on 9/15/2015. (lak) (Entered: 09/14/2015)
- 09/14/2015 [51](#) Proposed Findings of Fact filed by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [48](#) Motion for Summary Judgment. (Russomanno, Anthony) (Entered: 09/14/2015)

- 09/14/2015 [52](#) Declaration of Lisa Van Dyke filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - S.W.'s Application, # [2](#) Exhibit B - E-mail, # [3](#) Exhibit C - E-mail, # [4](#) Exhibit D - Denial Letter) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Added exhibit descriptions. (lak) (Entered: 09/14/2015)
- 09/14/2015 [53](#) Response to Proposed Findings of Fact filed by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [32](#) Motion for Summary Judgment. (Russomanno, Anthony) (Entered: 09/14/2015)
- 09/14/2015 [54](#) Declaration of M. Tess O'Brien-Heinzen filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - S.W.'s Responses to First Set of Requests for Admission, Interrogatories and Document Requests) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Corrected docket text; added exhibit description. (lak) (Entered: 09/14/2015)
- 09/14/2015 [55](#) **MOTION FOR SUMMARY JUDGMENT** by Defendant Greendale School District. Brief in Opposition due 10/14/2015. Brief in Reply due 10/29/2015. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [56](#) Proposed Findings of Fact filed by Defendant Greendale School District re: [55](#) Motion for Summary Judgment. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [57](#) Declaration of Colleen McHugh-Moore filed by Defendant Greendale School District re: [55](#) Motion for Summary Judgment (Attachments: # [1](#) Exhibit A1 - Minutes, # [2](#) Exhibit A2 - Minutes, # [3](#) Exhibit A3 - Minutes, # [4](#) Exhibit B - List of 5th Grade Applicants, # [5](#) Exhibit C - List of 7th Grade Applicants, # [6](#) Exhibit D - Denial Letters, # [7](#) Exhibit E - Denial Letters) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Clarified docket text; added all exhibit descriptions. (lak) (Entered: 09/14/2015)
- 09/14/2015 [58](#) Declaration of Renee Jarvey filed by Defendant Greendale School District re: [55](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Ch.R's Application for Open Enrollment, # [2](#) Exhibit B - Ca.R's Application for Open Enrollment, # [3](#) Exhibit C - Cost Estimate, # [4](#) Exhibit D - Denial Letters) (O'Brien-Heinzen, M.) Modified on 9/15/2015: Clarified docket text; added exhibit descriptions. (lak) (Entered: 09/14/2015)
- 09/14/2015 [59](#) Affidavit of Mary Jo Cleaver filed by Defendant State of Wisconsin Dept. of Public Instruction re: [48](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit 1 - Regular Application (paper), # [2](#) Exhibit 2 - Alternative application, # [3](#) Exhibit 3 - List Serv, # [4](#) Exhibit 4 - Making Special Ed Decisions, # [5](#) Exhibit 5 - Special Education and Open Enrollment, # [6](#) Exhibit 6 - Defending an OE Appeal, # [7](#) Exhibit 7 - Full-Time Public (Resp), # [8](#) Exhibit 8 - Full-time Public (App), # [9](#) Exhibit 9 - Decision and Order 10-OE-24 (Redacted),

# [10](#) Exhibit 10 - NB record (Redacted),  
# [11](#) Exhibit 11 - NB OPAL Chart,  
# [12](#) Exhibit 12 - PF OPAL Chart,  
# [13](#) Exhibit 13 - CR OPAL Chart,  
# [14](#) Exhibit 14 - RW OPAL Chart,  
# [15](#) Exhibit 15 - SW OPAL Chart) (Russomanno, Anthony) Modified on 9/15/2015: Clarified docket text; corrected typo. (lak) (Entered: 09/14/2015)

- 09/14/2015 [60](#) Affidavit of Ryan Nilsestuen filed by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [48](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit 16 - Doe v. Burmaster) (Russomanno, Anthony) Modified on 9/15/2015. (lak) (Entered: 09/14/2015)
- 09/14/2015 [61](#) **MOTION TO DISMISS for Lack of Jurisdiction** by Defendant Shorewood School District. Brief in Opposition due 10/14/2015. Brief in Reply due 10/29/2015. (Pollard, Kevin) (Entered: 09/14/2015)
- 09/14/2015 [62](#) Brief in Support of [61](#) Motion to Dismiss/Lack of Jurisdiction by Defendant Shorewood School District. (Pollard, Kevin) (Entered: 09/14/2015)
- 09/14/2015 [63](#) Brief in Opposition by Defendant Shorewood School District re: [32](#) Motion for Summary Judgment filed by A. F., S. G., R. W., D. R., Ca. R., E. W., S. W., N. B., S. B., Ch. R., P. F. (Pollard, Kevin) (Entered: 09/14/2015)
- 09/14/2015 [64](#) Response to Proposed Findings of Fact filed by Defendant Shorewood School District re: [32](#) Motion for Summary Judgment. (Pollard, Kevin) (Entered: 09/14/2015)
- 09/14/2015 [65](#) Exhibit to [59](#) Affidavit, filed by State of Wisconsin Dept. of Public Instruction. (*Exhibits 9 & 10 (unredacted)*) (Sealed Document) (Attachments: # [1](#) Exhibit 10 - NB Record (unredacted) (Russomanno, Anthony) Modified on 9/15/2015. (lak) (Entered: 09/14/2015)
- 09/14/2015 [66](#) Proposed Findings of Fact filed by Defendant Shorewood School District re: [61](#) Motion to Dismiss/Lack of Jurisdiction (Pollard, Kevin) (Entered: 09/14/2015)
- 09/14/2015 [67](#) Declaration of Tabia Nicholas filed by Defendant Shorewood School District re: [61](#) Motion to Dismiss/Lack of Jurisdiction, [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Full-Time Public School Open Enrollment Application Form (Sealed), # [2](#) Exhibit B - Document Shorewood Received from Milwaukee Public Schools (Sealed), # [3](#) Exhibit C - Decision and Order (Sealed), # [4](#) Exhibit D - Letter (Sealed), # [5](#) Exhibit E - Receipt Verifying N.B.'s Receipt of Letter (Sealed) (Pollard, Kevin) Modified on 9/15/2015: added all exhibit descriptions. (lak) Modified on 9/15/2015: sealed all exhibits, redacted versions to be filed by counsel. (arw) (Entered: 09/14/2015)
- 09/14/2015 [68](#) Declaration of Katherine Sliker filed by Defendant Shorewood School District re: [32](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, (Sealed Document) (Attachments: # [1](#) Exhibit A - Phone Log Record) (Pollard, Kevin) Modified on 9/15/2015: Added exhibit description. (lak) (Entered: 09/14/2015)
- 09/14/2015 [69](#) Declaration of Kevin C. Pollard filed by Defendant Shorewood School District re: [32](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, (Sealed Document) (Attachments: # [1](#) Exhibit A - Letter, # [2](#) Exhibit B - N.B.'s Responses to First Set of Requests for Admission, Interrogatories and Document Requests) (Pollard, Kevin) Modified on 9/15/2015: Added both exhibit descriptions. (lak) (Entered: 09/14/2015)

- 09/14/2015 [70](#) Brief in Support of [45](#) Motion for Summary Judgment by Defendant Elkhorn Area School District. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [71](#) Brief in Support of [55](#) Motion for Summary Judgment by Defendant Greendale School District. (O'Brien-Heinzen, M.) (Entered: 09/14/2015)
- 09/14/2015 [72](#) Disregard. See [88](#) . Modified on 9/16/2015. (lak) (Entered: 09/14/2015)
- 09/14/2015 [73](#) **MOTION FOR SUMMARY JUDGMENT** by Defendants Muskego-Norway School District, Paris J1 School District. Brief in Opposition due 10/14/2015. Brief in Reply due 10/29/2015. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [74](#) Brief in Support of [73](#) Motion for Summary Judgment by Defendants Muskego-Norway School District, Paris J1 School District. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [75](#) Proposed Findings of Fact filed by Defendants Muskego-Norway School District, Paris J1 School District re: [73](#) Motion for Summary Judgment. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [76](#) Declaration of Kelly Thompson filed by Defendants Muskego-Norway School District, Paris J1 School District re: [73](#) Motion for Summary Judgment (Attachments: # [1](#) Exhibit A - OE Space Analysis and Sch. Bd. Minutes, # [2](#) Exhibit B - PF's OE Application, # [3](#) Exhibit C - PF's IEP, # [4](#) Exhibit D - PF's OE Cost Estimate) (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [77](#) Declaration of Roger Gahart filed by Defendants Muskego-Norway School District, Paris J1 School District re: [73](#) Motion for Summary Judgment (Attachments: # [1](#) Exhibit A - Sp. Ed. Students and IEP Re-Eval Schedule, # [2](#) Exhibit B - Sch. Bd. Minutes, # [3](#) Exhibit C - RW's OE Application, # [4](#) Exhibit D - OCR Documents, # [5](#) Exhibit E - RW's IEP, # [6](#) Exhibit F - 8/2/12 Email to KUSD, # [7](#) Exhibit G - OE Denial Ltr) (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [78](#) Brief in Opposition by Defendants Muskego-Norway School District, Paris J1 School District re: [32](#) Motion for Summary Judgment filed by A. F., S. G., R. W., D. R., Ca. R., E. W., S. W., N. B., S. B., Ch. R., P. F. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [79](#) Response to Proposed Findings of Fact filed by Defendants Muskego-Norway School District, Paris J1 School District re: [32](#) Motion for Summary Judgment. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [80](#) Proposed Findings of Fact filed by Defendants Muskego-Norway School District, Paris J1 School District re: [32](#) Motion for Summary Judgment. (Barwinski, Jennifer) (Entered: 09/14/2015)
- 09/14/2015 [81](#) Second Brief in Support of [73](#) Motion for Summary Judgment (*Also filed as ECF #78, Brief in Opposition to Plaintiffs' Motion for Summary Judgment*) by Defendants Muskego-Norway School District, Paris J1 School District. (Barwinski, Jennifer) Modified on 9/15/2015: Clarified docket text. (lak) (Entered: 09/14/2015)
- 09/15/2015 [82](#) Brief in Opposition by Defendant Elkhorn Area School District re: [32](#) Motion for Summary Judgment filed by A. F., S. G., R. W., D. R., Ca. R., E. W., S. W., N. B., S. B., Ch. R., P. F. (O'Brien-Heinzen, M.) (Entered: 09/15/2015)
- 09/15/2015 [83](#) Brief in Opposition by Defendant Greendale School District re: [32](#) Motion for Summary Judgment filed by A. F., S. G., R. W., D. R., Ca. R., E. W., S. W., N. B., S. B., Ch. R., P. F. (O'Brien-Heinzen, M.) (Entered: 09/15/2015)

- 09/16/2015 [84](#) Redaction to [67](#) Declaration of Tabia Nicholas filed by Defendant Shorewood School District, (Attachments:  
# [1](#) Exhibit A - S.B.'s Open Enrollment Application (redacted),  
# [2](#) Exhibit B - N.B.'s Withdrawal of Consent for Special Education (redacted),  
# [3](#) Exhibit C - DPI Decision and Order 12-17-14 (redacted),  
# [4](#) Exhibit D - Letter to N.B. 8-6-15 (redacted),  
# [5](#) Exhibit E - Certified Mailing Receipt 8-10-15 (redacted)) (Pollard, Kevin) Modified on 9/16/2015: Corrected docketing event. (lak) (Entered: 09/16/2015)
- 09/16/2015 [85](#) Redaction to [68](#) Declaration, by Defendant Shorewood School District (Attachments:  
# [1](#) Exhibit A - District Phone Records (redacted)) (Pollard, Kevin) (Entered: 09/16/2015)
- 09/16/2015 [86](#) Redaction to [69](#) Declaration, by Defendant Shorewood School District (Attachments:  
# [1](#) Exhibit A - Letter to Attorney McGrath 5-11-15 (redacted),  
# [2](#) Exhibit B - Plaintiffs' Responses to Shorewood Discovery Requests) (Pollard, Kevin) Modified on 9/16/2015. (lak) (Entered: 09/16/2015)
- 09/16/2015 Per # [30](#) Reset Reply deadlines as to [45](#) MOTION FOR SUMMARY JUDGMENT by Defendant Elkhorn Area School District, [48](#) MOTION FOR SUMMARY JUDGMENT Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction, [55](#) MOTION FOR SUMMARY JUDGMENT by Defendant Greendale School District, [61](#) MOTION TO DISMISS for Lack of Jurisdiction Defendant Shorewood School District, [73](#) MOTION FOR SUMMARY JUDGMENT by Defendants Muskego-Norway School District, Paris J1 School District. Brief in Reply due 10/28/2015. (voc/bw) (Entered: 09/16/2015)
- 09/16/2015 [87](#) Brief in Opposition by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [32](#) Motion for Summary Judgment filed by A. F., S. G., R. W., D. R., Ca. R., E. W., S. W., N. B., S. B., Ch. R., P. F. (Attachments:  
# [1](#) Sneed v. City of Harvey, Ill (unpublished case),  
# [2](#) Praker v. Indiana (unpublished case),  
# [3](#) B.C. v. Banks (unpublished case) (Russomanno, Anthony) Modified on 9/16/2015. (lak) (Entered: 09/16/2015)
- 09/16/2015 Notice to Counsel: Pursuant to the parties' stipulation [30](#) to amend briefing on dispositive motions, plaintiffs' brief in reply in support of their motion for summary judgment [32](#) is due **10/14/2015**. (arw/bgw) (Entered: 09/16/2015)
- 09/16/2015 [88](#) Notice by Defendant Shorewood School District re: [61](#) MOTION TO DISMISS for Lack of Jurisdiction, [32](#) MOTION FOR SUMMARY JUDGMENT. (*Appendix of Unpublished and Wisconsin Authority*). (Attachments:  
# [1](#) Boston v. City of Chicago,  
# [2](#) DePratt v. West Bend Mutual,  
# [3](#) Wis. Stat. Sec. 118.51,  
# [4](#) Wis. Stat. Sec. 227.48) (Pollard, Kevin) (Entered: 09/16/2015)
- 10/05/2015 [89](#) Motion to Amend Briefing Schedule *for Summary Judgment* by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. Motions referred to Magistrate Judge Stephen L. Crocker. (Esenberg, Richard) (Entered: 10/05/2015)
- 10/06/2015 90 \*\* TEXT ONLY ORDER \*\*  
ORDER granting [89](#) Motion to Amend Briefing Schedule. Brief in Opposition due 10/16/2015. Brief in Reply due 10/30/2015. Signed by Magistrate Judge Stephen L. Crocker on 10/6/2015. (voc) (Entered: 10/06/2015)
- 10/16/2015 [91](#) Brief in Reply by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. in Support of [32](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)

- 10/16/2015 [92](#) Brief in Opposition by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment filed by Greendale School District, [45](#) Motion for Summary Judgment filed by Elkhorn Area School District, [48](#) Motion for Summary Judgment filed by State of Wisconsin Dept. of Public Instruction, Tony Evers, [61](#) Motion to Dismiss/Lack of Jurisdiction filed by Shorewood School District, [73](#) Motion for Summary Judgment filed by Paris J1 School District, Muskego-Norway School District. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [93](#) Reply in Support of Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [32](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [94](#) Response to Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [45](#) Motion for Summary Judgment (*Elkhorn*). (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [95](#) Response to Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment (*Greendale*). (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [96](#) Response to Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [61](#) Motion to Dismiss/Lack of Jurisdiction (*Shorewood*). (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [97](#) Response to Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [48](#) Motion for Summary Judgment (*DPI/Evers*). (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [98](#) Response to Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [73](#) Motion for Summary Judgment (*Muskego-Norway/Paris*). (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [99](#) Declaration of A.F. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment, [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [100](#) Declaration of E.W. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment, [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [101](#) Declaration of N.B. filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment, [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [102](#) Supplemental Proposed Findings of Fact filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment, [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment. (Esenberg, Richard) (Entered: 10/16/2015)
- 10/16/2015 [103](#) Exhibit/Supplemental Appendix of Unpublished Cases re: [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment, [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W., (Attachments: # [1](#) Exhibit - Goodvine v. Gorske,

# [2](#) Exhibit - Karvelas v Milwaukee County,

# [3](#) Exhibit - Watson v Rich Central HS) (Esenberg, Richard) Modified on 10/19/2015: Corrected the docketing event; edited docket text. (lak) (Entered: 10/16/2015)

- 10/16/2015 [104](#) Declaration of Brian McGrath filed by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [45](#) Motion for Summary Judgment, [73](#) Motion for Summary Judgment, [61](#) Motion to Dismiss/Lack of Jurisdiction, [48](#) Motion for Summary Judgment, [55](#) Motion for Summary Judgment, [32](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - 5-11-15 Pollard Letter - Redacted, # [2](#) Exhibit B - 5-19-15 Email - Redacted, # [3](#) Exhibit C - Draft Settlement Agreement - Redacted, # [4](#) Exhibit D - 7-27-15 Pollard Email, # [5](#) Exhibit E - 12-8-14 Email Chain) (Esenberg, Richard) Modified on 10/19/2015: Clarified exhibit descriptions. (lak) (Entered: 10/16/2015)
- 10/23/2015 [105](#) Notice of Appearance (*Substitution of Attorney*) filed by Dustin T. Woehl for Defendants Muskego-Norway School District, Paris J1 School District. (Woehl, Dustin) (Entered: 10/23/2015)
- 10/23/2015 [106](#) Motion to Amend/Correct *Summary Judgment Briefing Schedule* by Defendants Muskego-Norway School District, Paris J1 School District. (Woehl, Dustin) (Entered: 10/23/2015)
- 10/23/2015 107 \*\* TEXT ONLY ORDER \*\*  
ORDER granting [106](#) Motion to Amend/Correct *Summary Judgment Briefing Schedule* by Defendants Muskego-Norway School District, Paris J1 School District. Signed by Magistrate Judge Stephen L. Crocker on 10/23/2015. (arw) (Entered: 10/23/2015)
- 10/23/2015 Reset Briefing Deadlines re: [45](#) Motion for Summary Judgment, [48](#) Motion for Summary Judgment, [55](#) Motion for Summary Judgment, [61](#) Motion for Summary Judgment and [73](#) Motion for Summary Judgment. Reply Briefs due 11/13/2015. (arw) (Entered: 10/23/2015)
- 11/13/2015 [108](#) Brief in Reply by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction in Support of [48](#) Motion for Summary Judgment. (Russomanno, Anthony) (Entered: 11/13/2015)
- 11/13/2015 [109](#) Brief in Reply by Defendants Muskego-Norway School District, Paris J1 School District in Support of [73](#) Motion for Summary Judgment. (Barwinski, Jennifer) (Entered: 11/13/2015)
- 11/13/2015 [110](#) Reply in Support of Proposed Findings of Fact filed by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [48](#) Motion for Summary Judgment. (Russomanno, Anthony) (Entered: 11/13/2015)
- 11/13/2015 [111](#) Response to Additional Proposed Findings of Fact filed by Defendants Tony Evers, State of Wisconsin Dept. of Public Instruction re: [32](#) Motion for Summary Judgment. (Russomanno, Anthony) Modified on 11/16/2015. (lak) (Entered: 11/13/2015)
- 11/13/2015 [112](#) Reply in Support of Proposed Findings of Fact filed by Defendants Muskego-Norway School District, Paris J1 School District re: [73](#) Motion for Summary Judgment. (Barwinski, Jennifer) (Entered: 11/13/2015)
- 11/13/2015 [113](#) Brief in Reply by Defendant Shorewood School District in Support of [61](#) Motion to Dismiss/Lack of Jurisdiction. (Pollard, Kevin) (Entered: 11/13/2015)
- 11/13/2015 [114](#) Reply in Support of Proposed Findings of Fact filed by Defendant Shorewood School District re: [61](#) Motion to Dismiss/Lack of Jurisdiction. (Pollard, Kevin) (Entered: 11/13/2015)
- 11/13/2015 [115](#) Response to Additional Proposed Findings of Fact filed by Defendant Shorewood School District re: [61](#) Motion to Dismiss/Lack of Jurisdiction. (Pollard, Kevin) Modified on 11/16/2015. (lak) (Entered: 11/13/2015)



- 11/13/2015 [116](#) Supplemental Declaration of Kevin C. Pollard filed by Defendant Shorewood School District re: [61](#) Motion to Dismiss/Lack of Jurisdiction, (Attachments: # [1](#) Exhibit A - Emails from 10/13/15 and 10/14/15) (Pollard, Kevin) Modified on 11/16/2015: Changed event from Affidavit to Declaration. (lak) (Entered: 11/13/2015)
- 11/13/2015 [117](#) Exhibit to [113](#) Brief in Reply filed by Shorewood School District. *Appendix of Unpublished Authorities and Materials Cited in Reply Brief*, (Attachments: # [1](#) Exhibit - Cedar Rapids Community Sch. Dist., 24 IDELR 485 (Iowa SEA 1996), # [2](#) Exhibit - Letter to Lutjeharms, 16 IDELR 554 (OCR 1990); Leg. Council Memo, # [3](#) Exhibit - Shorewood School District Policy 423, Public School Open Enrollment, # [4](#) Exhibit - Tanque Verde (AZ) School District, 51 IDELR 111 (OCR 2008).) (Pollard, Kevin) Modified on 11/16/2015. (lak) (Entered: 11/13/2015)
- 11/13/2015 [118](#) Response to Additional Proposed Findings of Fact filed by Defendants Muskego-Norway School District, Paris J1 School District re: [32](#) Motion for Summary Judgment. (Barwinski, Jennifer) Modified on 11/16/2015. (lak) (Entered: 11/13/2015)
- 11/16/2015 [119](#) Brief in Reply by Defendants Elkhorn Area School District, Greendale School District in Support of [55](#) Motion for Summary Judgment, [45](#) Motion for Summary Judgment. (O'Brien-Heinzen, M.) (Entered: 11/16/2015)
- 11/16/2015 [120](#) Response to Proposed Findings of Fact filed by Defendant Elkhorn Area School District re: [45](#) Motion for Summary Judgment. (O'Brien-Heinzen, M.) (Entered: 11/16/2015)
- 02/05/2016 121 \*\* TEXT ONLY ORDER \*\*  
The trial date and all pretrial deadlines are hereby STRICKEN, and the court will hold oral argument on the parties' dispositive motions on Thursday, April 14, 2016, at 9:00 a.m. Signed by District Judge William M. Conley on 2/5/2016. (jls) (Entered: 02/05/2016)
- 03/10/2016 Set Hearing: Oral Argument Hearing rescheduled from 4/14/2016 to 4/21/2016 at 09:00 AM in courtroom 250. (voc) (Entered: 03/10/2016)
- 03/11/2016 [122](#) Notice of Appearance filed by Sarah Anne Zylstra for Defendants Elkhorn Area School District, Greendale School District. (Zylstra, Sarah) (Entered: 03/11/2016)
- 04/08/2016 Set Hearing: Oral Argument Hearing rescheduled from 4/21/2016 to 5/17/2016 at 10:00 AM in courtroom 250. (voc) (Entered: 04/08/2016)
- 05/17/2016 [123](#) Minute Entry for proceedings held before District Judge William M. Conley: Oral Argument held on 5/17/2016. [02:31] (Court Reporter CS.) (jls) (Entered: 05/17/2016)
- 06/14/2016 [124](#) Motion to Withdraw as Attorney by Defendants Elkhorn Area School District, Greendale School District. Response due 6/21/2016. (Rohrer, David) (Entered: 06/14/2016)
- 06/14/2016 125 \*\* TEXT ONLY ORDER \*\*  
ORDER granting [124](#) Motion to Withdraw as Attorney. Attorney David E. Rohrer terminated. Signed by Magistrate Judge Stephen L. Crocker on 6/14/2016. (voc) (Entered: 06/14/2016)
- 02/23/2017 [126](#) Disregard. See [127](#) . Modified on 2/24/2017. (lak) (Entered: 02/23/2017)
- 02/24/2017 [127](#) Notice of Supplemental Authority by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. re: [55](#) MOTION FOR SUMMARY JUDGMENT, [45](#) MOTION FOR SUMMARY JUDGMENT (*In Support of Plaintiffs' Response Brief to Defendants' Motions for Summary Judgment*), (Attachments: # [1](#) Exhibit - Supplemental Authority-Fry v. Napoleon Community Schools) (Esenberg, Richard) Modified on 2/24/2017. (lak) (Entered: 02/24/2017)

- 02/27/2017 [128](#) Response to [127](#) Notice of Supplemental Authority by Defendants Elkhorn Area School District, Greendale School District. (O'Brien-Heinzen, M.) (Entered: 02/27/2017)
- 04/19/2017 [129](#) Notice of Supplemental Authority by Defendant Elkhorn Area School District, (Attachments: # [1](#) Exhibit 1 - Redacted OCR Ruling) (O'Brien-Heinzen, M.) Modified on 4/19/2017: Linked to the pending motions. (lak) (Entered: 04/19/2017)
- 04/19/2017 [130](#) Notice of Supplemental Authority by Defendant Greendale School District, (Attachments: # [1](#) Exhibit 1 - Redacted OCR Ruling) (O'Brien-Heinzen, M.) Modified on 4/19/2017: Linked to the pending motions. (Duplicate of [129](#) ?) (lak) (Entered: 04/19/2017)
- 04/28/2017 [131](#) Response to [130](#) , [129](#) Notice of Supplemental Authority by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. (Esenberg, Richard) (Entered: 04/28/2017)
- 10/03/2017 [132](#) ORDER granting [45](#) Motion for Summary Judgment by Defendant Elkhorn Area School District; Granting [48](#) Motion for Summary Judgment by Defendants Tony Evers and State of Wisconsin Dept. of Public Instruction; Granting [55](#) Motion for Summary Judgment by Defendant Greendale School District; Granting in part and denying in part [61](#) Motion to Dismiss for Lack of Jurisdiction by Defendant Shorewood School District and Granting in part and denying in part [73](#) Motion for Summary Judgment by Defendants Muskego-Norway School District and Paris J1 School District. With respect to plaintiff R.W.'s remaining claim for injunctive relief against defendant Paris School District, the court will hold a scheduling conference on October 11, 2017, at 10:00 a.m. to establish pretrial deadlines and set this case for an expedited bench trial in December 2017. Plaintiff's counsel shall initiate the call to the court. Signed by District Judge William M. Conley on 10/3/2017. (voc) (Entered: 10/03/2017)
- 10/03/2017 Set Telephone Hearing: Telephone Scheduling Conference set for 10/11/2017 at 10:00 AM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (voc) (Entered: 10/03/2017)
- 10/11/2017 133 \*\* TEXT ONLY ORDER \*\*  
In light of plaintiff's counsel email, the court will postpone the status conference until Thursday, Oct. 19th at 10:00 a.m. Telephone Status Conference set for 10/19/2017 at 10:00 AM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. Signed by District Judge William M. Conley on 10/11/2017. (voc/mh) (Entered: 10/11/2017)
- 10/11/2017 [134](#) STIPULATION of Dismissal of *Request for Injunctive Relief*, (Attachments: # [1](#) Proposed Order Re: Dismissal of Request for Injunctive Relief) (Esenberg, Richard) Modified on 10/11/2017. (lak) (Entered: 10/11/2017)
- 10/13/2017 135 \*\* TEXT ONLY ORDER \*\*  
Plaintiffs' R.W. (and his mother E.W.) and the defendant Paris J1 School District's stipulation for dismissal of request for injunctive relief (dkt. # [134](#) ) is ACCEPTED. The clerk of court is directed to enter judgment consistent with the court's October 3, 2017, opinion and order (dkt. # [132](#) ) and the parties' stipulation (dkt. # [134](#) ), and close this case. The status conference scheduled for October 19 may be removed from the court's calendar. Signed by District Judge William M. Conley on 10/13/2017. (voc) (Entered: 10/13/2017)
- 10/16/2017 [136](#) JUDGMENT entered in favor of Defendants dismissing the case. (voc) (Entered: 10/16/2017)
- 10/31/2017 [137](#) NOTICE OF APPEAL by Plaintiffs N. B., S. B., A. F., P. F., S. G., Ca. R., Ch. R., D. R., E. W., R. W., S. W. as to [136](#) Judgment, [132](#) Order on Motion for Summary Judgment, Order on Motion to Dismiss/Lack of Jurisdiction. Filing fee of \$ 505, receipt number 0758-2133986 paid. Docketing Statement filed. (Attachments: # [1](#) Docketing Statement) (Esenberg, Richard) (Entered: 10/31/2017)

