

APPEAL, CLASS_ACTION, INTERLOCUTORY_APPEAL, JMM, PROTECTIVE_ORDER,

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00082-bbc

Lewis, J. v. Epic Systems Corporation
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 29:206 Collect Unpaid Wages

Date Filed: 02/10/2015
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff**J. Lewis**

represented by **Breanne Leigh Snapp**
Habush Habush & Rottier S.C.
150 E. Gilman St. #2000
Madison, WI 53703
608-255-6663
Fax: 608-255-0745
Email: bsnapp@habush.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caitlin Marie Madden
Hawks Quindel Ehlke & Perry, S.C.
222 West Washington Ave, Ste. 450
PO Box 2155
Madison, WI 53701
608-257-0040
Fax: 608-256-0236
Email: cmadden@hq-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Anthony Rottier
Habush Habush & Rottier S.C.
150 E. Gilman St. #2000
Madison, WI 53703
(608) 255-6663
Email: rottier@habush.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David C. Zoeller
Hawks Quindel, S.C.
222 W. Washington Avenue, Suite 450
P.O. Box 2155

Madison, WI 53701-2155
(608) 257-0040
Email: dzoeller@hq-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Joel Knutson
Habush Habush & Rottier S.C.
150 E. Gilman St. #2000
Madison, WI 53703
608-255-6663
Fax: 608-255-0745
Email: jknutson@habush.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Ernest Parsons
Hawks Quindel, S.C.
222 W. Washington Avenue, Suite 450
P.O. Box 2155
Madison, WI 53701-2155
608-257-0040
Fax: 608-256-0236
Email: wparsons@hq-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James R. Jansen
Habush Habush & Rottier S.C.
150 E. Gilman St. #2000
Madison, WI 53703
608-255-6663
Fax: 608-255-0745
Email: jjansen@habush.com
ATTORNEY TO BE NOTICED

Katelynn Mary Williams
Hawks Quindel, S.C.
222 West Washington Ave.
Suite 450
Madison, WI 53701
608-206-4511
Email: katelynnmary.will@gmail.com
ATTORNEY TO BE NOTICED

Defendant**Epic Systems Corporation**

represented by **Arthur James Rooney , III**
 Seyfarth Shaw LLP
 131 South Dearborn Street
 Suite 2400
 Chicago, IL 60603
 312-460-5530
 Fax: 312-460-7000
 Email: ajrooney@seyfarth.com
TERMINATED: 05/21/2015
LEAD ATTORNEY

Noah A. Finkel
 Seyfarth Shaw LLP
 131 South Dearborn Street
 Suite 2400
 Chicago, IL 60603
 312-460-5000
 Fax: 312-460-7000
 Email: nfinkel@seyfarth.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Lylburn Scroggins
 Seyfarth Shaw
 131 S. Dearborn
 Suite 2400
 Chicago, IL 60603
 312-460-5275
 Fax: 312-460-7275
 Email: ascroggins@seyfarth.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/10/2015	<u>1</u>	COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number 0758-1498288.), filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A - Consent Form, # <u>2</u> JS-44 Civil Cover Sheet, # <u>3</u> Summons - Epic Systems Corporation) (Zoeller, David) Modified on 2/11/2015 to add exhibit description. (lak) (Entered: 02/10/2015)
02/10/2015	<u>2</u>	Motion to Certify Class under Rule 23 by Plaintiff J. Lewis. Brief in Opposition due 3/3/2015. Brief in Reply due 3/13/2015. (Zoeller, David) (Entered: 02/10/2015)
02/11/2015		Case randomly assigned to District Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker. (voc) (Entered: 02/11/2015)

02/11/2015		Standard attachments for Judge Barbara B. Crabb required to be served on all parties with summons or waiver of service: NORTC , Corporate Disclosure Statement , Order on Dispositive Motions . (voc) (Entered: 02/11/2015)
02/11/2015	3	Summons Issued as to Epic Systems Corporation. (voc) (Entered: 02/11/2015)
02/11/2015	4	** TEXT ONLY ORDER ** Briefing on plaintiffs' motion to certify a Rule 23 class is stayed pending entry of a full schedule at the not-yet scheduled telephonic preliminary pretrial conference. Signed by Magistrate Judge Stephen L. Crocker on 2/11/2015. (voc) (Entered: 02/11/2015)
02/19/2015	5	Affidavit of Service by Plaintiff. Defendant Epic Systems Corporation served 2/18/2015; answer due 3/11/2015. (Zoeller, David) Modified on 2/20/2015. (lak) (Entered: 02/19/2015)
02/27/2015	6	Notice of Appearance filed by Noah A. Finkel for Defendant Epic Systems Corporation. (Finkel, Noah) (Entered: 02/27/2015)
02/27/2015	7	Notice of Appearance filed by Arthur James Rooney, III for Defendant Epic Systems Corporation. (Rooney, Arthur) (Entered: 02/27/2015)
03/04/2015	8	Motion to Reassign Case by Defendant Epic Systems Corporation. (Finkel, Noah) Modified on 3/9/2015 (voc). (Entered: 03/04/2015)
03/06/2015		Set Briefing Deadlines as to 8 Motion to Reassign Case . Brief in Opposition due 3/20/2015. Brief in Reply due 3/27/2015. (voc/jm) (Entered: 03/06/2015)
03/09/2015	9	Motion for Extension of Time to File Answer re 1 Complaint, by Defendant Epic Systems Corporation. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 3/16/2015. (Attachments: # 1 Text of Proposed Order) (Rooney, Arthur) (Entered: 03/09/2015)
03/10/2015	10	** TEXT ONLY ORDER ** Now that Judge Peterson has recused himself from hearing Long v. Epic Systems Corporation, 15-cv-81, defendant Epic Systems Corporation's motion to reassign this case to him, dkt. 8 , is denied as moot. Signed by District Judge Barbara B. Crabb on 3/10/2015. (voc) (Entered: 03/10/2015)
03/11/2015	11	** TEXT ONLY ORDER ** ORDER granting 9 Motion for Extension of Time to Answer. re 1 Complaint, Epic Systems Corporation answer due 4/1/2015. Signed by Magistrate Judge Stephen L. Crocker on 3/11/2015. (voc) (Entered: 03/11/2015)
03/16/2015		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 4/14/2015 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: 03/16/2015)
03/26/2015	12	Unopposed Motion for Extension of Time to File Answer re 1 Complaint, by Defendant Epic Systems Corporation. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # 1 Text of Proposed Order) (Rooney, Arthur) (Entered: 03/26/2015)

03/26/2015	13	** TEXT ONLY ORDER ** Defendant's motion 12 for another extension of time to answer the complaint is granted. The April 14, 2015 telephonic preliminary pretrial conference remains on the schedule. Defendant Epic Systems Corporation answer due 4/13/2015. Signed by Magistrate Judge Stephen L. Crocker on 3/26/2015. (voc) (Entered: 03/26/2015)
03/31/2015	14	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Charles Blackburn) (Zoeller, David) Modified on 4/1/2015. (lak) (Entered: 03/31/2015)
04/02/2015	15	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Rebecca Rodgers) (Zoeller, David) Modified on 4/3/2015. (lak) (Entered: 04/02/2015)
04/10/2015	16	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Dale Erlandson) (Zoeller, David) Modified on 4/13/2015. (lak) (Entered: 04/10/2015)
04/10/2015	17	Joint Report of Rule 26(f) Planning Meeting. (Zoeller, David) (Entered: 04/10/2015)
04/13/2015	18	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Brittaini Maul) (Zoeller, David) Modified on 4/13/2015. (lak) (Entered: 04/13/2015)
04/13/2015	19	MOTION TO DISMISS AND COMPEL INDIVIDUAL ARBITRATION by Defendant Epic Systems Corporation. Brief in Opposition due 5/4/2015. Brief in Reply due 5/14/2015. (Rooney, Arthur) (Entered: 04/13/2015)
04/13/2015	20	Brief in Support of 19 Motion to Dismiss <i>and Compel Individual Arbitration</i> by Defendant Epic Systems Corporation. (Rooney, Arthur) Modified on 4/14/2015. (lak) (Entered: 04/13/2015)
04/13/2015	21	Declaration of Tina Perkins filed by Defendant Epic Systems Corporation re: 19 Motion to Dismiss. (Rooney, Arthur) Modified on 4/14/2015: To be refiled with exhibits attached separately and described. (lak) Modified on 4/15/2015: Also see 22 . (lak) (Entered: 04/13/2015)
04/14/2015		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 4/14/2015 [:10] (cak) (Entered: 04/14/2015)
04/15/2015	22	Declaration of Tina Perkins filed by Defendant Epic Systems Corporation re: 19 Motion to Dismiss, (Attachments: # 1 Exhibit A - Mutual Arbitration Agreement, # 2 Exhibit B - E-mail Dated 4/2/2014, # 3 Exhibit C - E-mail Dated 2/11/2015) (lak) (Entered: 04/15/2015)
04/17/2015	23	** TEXT ONLY ORDER ** The court has decided to accept the parties' joint calendaring proposal for their two class action lawsuits. In the Lewis case, 15-cv-82, plaintiffs' response to the pending dismissal motion is extended to July 10, 2015, with defendant's reply extended to July 31, 2015. In the event this case goes forward, jury selection and trial is set for

		February 13, 2017. In the Long case, 15-cv-81, the court is willing to let the parties tread water until the court rules on the dismissal motion in Lewis. The parties should expect the Long case to be tried on February 13, 2017, either jointly with the Lewis case or by itself, depending on how the court decides the pending dismissal motion. After the court enters its decision on dismissal, the court will hold a telephonic scheduling conference to set the interstitial dates leading to trial. Signed by Magistrate Judge Stephen L. Crocker on 4/17/2015. (voc) (Entered: 04/17/2015)
04/17/2015		Set Deadlines/Hearings: Jury Selection and Trial set for 2/13/2017 at 09:00 AM. (voc) (Entered: 04/17/2015)
04/17/2015		Reset Briefing Deadlines as to 19 MOTION TO DISMISS AND COMPEL INDIVIDUAL ARBITRATION. Brief in Opposition due 7/10/2015. Brief in Reply due 7/31/2015. (voc) (Entered: 04/17/2015)
04/20/2015	24	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis (Attachments: # 1 Exhibit A - Consent Form - Katarina Lazo) (Zoeller, David) Modified on 4/21/2015. (lak) (Entered: 04/20/2015)
04/23/2015	25	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis (Attachments: # 1 Exhibit A - Consent Form - Victoria Cubera) (Zoeller, David) Modified on 4/24/2015. (lak) (Entered: 04/23/2015)
05/04/2015	26	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis (Attachments: # 1 Exhibit A - Consent Form - Karen Campbell) (Zoeller, David) Modified on 5/4/2015. (lak) (Entered: 05/04/2015)
05/12/2015	27	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis (Attachments: # 1 Exhibit A - Consent Form - Emily Harris) (Zoeller, David) Modified on 5/13/2015. (lak) (Entered: 05/12/2015)
05/20/2015	28	Disregard. See 31 . Modified on 5/21/2015. (lak) (Entered: 05/20/2015)
05/20/2015	29	Notice of Appearance filed by Andrew Lylburn Scroggins for Defendant Epic Systems Corporation. (Scroggins, Andrew) (Entered: 05/20/2015)
05/20/2015	30	Motion to Withdraw <i>the Appearance of Arthur J. Rooney</i> by Defendant Epic Systems Corporation. Response due 5/27/2015. (Scroggins, Andrew) (Entered: 05/20/2015)
05/21/2015	31	Notice of Appearance filed by James R. Jansen for Plaintiff J. Lewis. (Jansen, James) Modified on 5/21/2015. (lak) (Entered: 05/21/2015)
05/21/2015	32	** TEXT ONLY ORDER ** ORDER granting 30 Motion to Withdraw as Attorney. Attorney Arthur James Rooney, III terminated. Signed by Magistrate Judge Stephen L. Crocker on 5/21/2015. (voc) (Entered: 05/21/2015)
05/21/2015	33	Motion to Compel by Plaintiff J. Lewis. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 5/28/2015. (Zoeller, David) (Entered: 05/21/2015)
05/21/2015	34	Brief in Support of 33 Motion to Compel by Plaintiff J. Lewis. (Zoeller, David) (Entered: 05/21/2015)

05/21/2015	35	Declaration of Breanne L. Snapp filed by Plaintiff J. Lewis re: 33 Motion to Compel. (Zoeller, David) (Entered: 05/21/2015)
05/22/2015		Set Telephone Motion Hearing as to 33 Motion to Compel . Telephone Motion Hearing set for 6/10/2015 at 11:00 AM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. (voc) (Entered: 05/22/2015)
05/27/2015		Reset Telephone Motion Hearing as to 33 Motion to Compel. Telephone Motion Hearing set for 6/10/2015 is reset at counsel's request for 6/5/2015 at 11:00 AM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff remains responsible for setting up the call to chambers at (608) 264-5153. (lak) (Entered: 05/27/2015)
05/29/2015	36	Motion for Protective Order by Defendant Epic Systems Corporation. (Scroggins, Andrew) (Entered: 05/29/2015)
06/01/2015	37	Brief in Opposition by Defendant Epic Systems Corporation re: 33 Motion to Compel filed by J. Lewis. (Scroggins, Andrew) (Entered: 06/01/2015)
06/05/2015		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Motion Hearing held on 6/5/2015 re 33 Motion to Compel filed by J. Lewis [:30] (Court Reporter ls.) (skv) (Entered: 06/05/2015)
06/05/2015	38	** TEXT ONLY ORDER ** On June 5, 2015, the court held a telephonic hearing on plaintiffs' motion to compel discovery (dkt. 33) and defendant's motion for protection from discovery (dkt. 36). After discussing the motions with both sides, the court denied plaintiffs' motion to compel and granted defendant's motion for protection for reasons stated on the record. Signed by Magistrate Judge Stephen L. Crocker on 6/5/15. (jls) (Entered: 06/05/2015)
06/12/2015	39	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis (Attachments: # 1 Exhibit A - Consent Form - Haley Johnson) (Zoeller, David) Modified on 6/25/2015. (lak) (Entered: 06/12/2015)
06/23/2015	40	Transcript of Telephonic Motion Hearing, held 6/5/2015 before Magistrate Judge Stephen L. Crocker. Court Reporter: LS. Please review the court policy regarding electronic transcripts: see Electronic Transcript Instructions and Notice of Intent to Request Redaction . (voc) (Entered: 06/23/2015)
06/24/2015	41	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Mark Turner) (Zoeller, David) Modified on 6/25/2015. (lak) (Entered: 06/24/2015)
07/10/2015	42	Brief in Opposition by Plaintiff J. Lewis re: 19 Motion to Dismiss filed by Epic Systems Corporation. (Zoeller, David) (Entered: 07/10/2015)
07/10/2015	43	Declaration of Karen Campbell filed by Plaintiff J. Lewis re: 19 Motion to Dismiss. (Zoeller, David) (Entered: 07/10/2015)

07/10/2015	44	Declaration of William E. Parsons filed by Plaintiff J. Lewis re: 19 Motion to Dismiss (Attachments: # 1 Exhibit A - Defendant's Answers to Plaintiff's First Set of Interrogatories, # 2 Exhibit B - April 4, 2014 Email from Tina Perkins, Bates No. EPIC LEWIS 000042-47, # 3 Exhibit C - April 4, 2014 Email from Rebecca Rogers, Bates No. EPIC LEWIS 000103, # 4 Exhibit D - Epic's Emails to Opt-Ins Regarding Arbitration, Bates No. 000028-103, # 5 Exhibit E - Unpublished Opinions) (Zoeller, David) (Entered: 07/10/2015)
07/10/2015	45	Declaration of Rebecca Rodgers filed by Plaintiff J. Lewis re: 19 Motion to Dismiss. (Zoeller, David) (Entered: 07/10/2015)
07/13/2015	46	Notice of Appearance filed by Katelynn Mary Williams for Plaintiff J. Lewis. (Williams, Katelynn) (Entered: 07/13/2015)
07/31/2015	47	Brief in Reply by Defendant Epic Systems Corporation in Support of 19 Motion to Dismiss <i>and Compel Individual Arbitration</i> . (Scroggins, Andrew) (Entered: 07/31/2015)
08/03/2015	48	Notice of Consent to Join Lawsuit by Plaintiff J. Lewis, (Attachments: # 1 Exhibit A - Consent Form - Lauren Weber) (Zoeller, David) Modified on 8/4/2015. (lak) (Entered: 08/03/2015)
08/05/2015	49	Unopposed Motion to Withdraw 41 Notice of Consent to Join Lawsuit by Plaintiff J. Lewis. (Zoeller, David) (Entered: 08/05/2015)
08/17/2015	50	** TEXT ONLY ORDER ** ORDER granting 49 Motion to Withdraw 41 Notice of Consent to Join Lawsuit. Signed by District Judge Barbara B. Crabb on 8/17/2015. (voc) (Entered: 08/17/2015)
08/21/2015	51	Notice of Supplemental Authority by Plaintiff J. Lewis re: 19 Motion to Dismiss filed by Epic Systems Corporation, (Attachments: # 1 Exhibit A - Arsovski Decision) (Snapp, Breanne) Modified on 8/24/2015: Linked to the pending motion instead of the brief. (lak) (Entered: 08/21/2015)
09/08/2015	52	Notice of Supplemental Authority by Plaintiff J. Lewis re: 19 Motion to Dismiss filed by Epic Systems Corporation. (Zoeller, David) Modified on 9/9/2015: Linked to the pending motion instead of the brief. (lak) (Entered: 09/08/2015)
09/08/2015	53	Exhibit to 52 Notice of Supplemental Authority filed by J. Lewis. (Zoeller, David) Modified on 9/9/2015. (lak) (Entered: 09/08/2015)
09/11/2015	54	OPINION AND ORDER denying 19 Motion to Dismiss. Signed by District Judge Barbara B. Crabb on 9/10/15. (jat) (Entered: 09/11/2015)
09/11/2015	55	NOTICE OF APPEAL - INTERLOCUTORY by Defendant Epic Systems Corporation as to 54 Order on Motion to Dismiss. Filing fee of \$ 505, receipt number 0758-1639370 paid. No Docketing Statement filed. (Scroggins, Andrew) (Entered: 09/11/2015)