

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JANE DOE NO. 55, by and through JANE DOE'S
MOTHER and JANE DOE'S FATHER,

Civil Action No.: 15-cv-570-bbc

Plaintiff,

v.

MADISON METROPOLITAN SCHOOL DISTRICT,

Defendant.

DOCKETING STATEMENT

Plaintiff, JANE DOE NO. 55, by and through JANE DOE'S MOTHER and JANE DOE'S FATHER, by and through the undersigned counsel, pursuant to Seventh Circuit Rule 3(c)(1), concurrent with the Plaintiff's timely filed Notice of Appeal, submits this Docketing Statement as follows:

Requirements of Circuit Rule 28(a)(1)

Plaintiff brought a civil action in the Western District of Wisconsin alleging sexual harassment and sexual assault of the Plaintiff JANE DOE NO. 55 ("JANE DOE"), a middle school student at Whitehorse School ("Whitehorse"), by a security guard employed by the Defendant, MADISON METROPOLITAN SCHOOL DISTRICT at that school. Plaintiff's Complaint [DE 1], filed on September 11, 2015, alleges in Count I, a claim pursuant to Title IX, Education Amendments of 1972-20, U.S.C. §§1681, *et seq.* ("Title IX"), and in Count II, a state law claim for Negligence. Therefore, the District Court has federal question subject matter jurisdiction over the Title IX claim pursuant to 28

U.S.C. §1331 and 20 U.S.C. §1681(a), and, as the facts for the Negligence claim arise out of the same common nucleus of facts as the Title IX claim, the District Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. §1367(a).

Requirements of Circuit Rule 28(a)(2)

On November 16, 2016, the District Court issued its Opinion and Order granting the Defendant's Motion for Summary Judgment on both counts [DE 92] and entered Judgment in favor of the Defendant against Plaintiff granting Motion for Summary Judgment and dismissing case [DE 93]. On December 9, 2016, Plaintiff filed a Motion for Reconsideration of said Orders pursuant to Federal Rule of Civil Procedure 59(e) (alteration of judgment) [DE 96]. On February 9, 2017, the District Court issued an Order denying said Motion for Reconsideration [DE 101]. The above-stated Orders are the subject of the Plaintiff's appeal before this Court and the Court has jurisdiction over such pursuant to Federal Rule of Appellate Procedure 3(a)(1) as the appeal is of a final judgment brought as a matter of right.

Further Requirements of Circuit Rule 3(c)(1)

There have been no prior or related appellate proceedings in this case. This is solely a civil matter, not a post-conviction matter or collateral attack on a criminal conviction, and 28 U.S.C. § 1915(g) inapplicable. No parties to the litigation appear in an official capacity.

Dated: March 10, 2017

Respectfully Submitted,
HERMAN LAW
3351 NW Boca Raton Boulevard
Boca Raton, Florida 33431
Tel: 305-931-2200
Fax: 305-931-0877
www.hermanlaw.com

By: /s/ Lee Gill Cohen
Lee Gill Cohen, Esq.
Florida Bar No: 825670
jherman@hermanlaw.com
Stuart Mermelstein, Esq.
Florida Bar No: 947245
smermelstein@hermanlaw.com
Arick W. Fudali, Esq.
Florida Bar No. 85899
afudali@hermanlaw.com
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed and served via

CM/ECF mail this 10th day of March, 2017 to:

Peggy Van Horn, Esq.
State Bar No. 1001414
Peggy.VanHorn@LibertyMutual.com
LAW OFFICES OF THOMAS P. STILP
11800 West Park Place, Suite 210
PO Box 245023
Milwaukee, WI 53224-9523
*Counsel for Defendant, Madison Metropolitan
School District*

By: /s/ Lee Gill Cohen
Lee Gill Cohen, Esq.
Florida Bar No: 825670
jherman@hermanlaw.com