

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

MARILYN MOFFAT, KAREN KEMMIS,
DANILLE PARKER and MARK RICHARDS,

Plaintiffs,

v.

Case No. 15-cv-626-JDP

ACADEMY OF GERIATRIC PHYSICAL
THERAPY,

Defendant.

**SEVENTH CIRCUIT RULE 3(c)(1) DOCKETING STATEMENT
OF PLAINTIFFS-APPELLANTS MARILYN MOFFAT, KAREN KEMMIS,
DANILLE PARKER and MARK RICHARDS**

Plaintiffs, Marilyn Moffat, Karen Kemmis, Danille Parker, and Mark Richards, in the above named case, by and through undersigned counsel, hereby submit this Docketing Statement pursuant to Circuit Rule 3(c)(1) of United States Court of Appeals for the Seventh Circuit and states as follows:

I. DISTRICT COURT JURISDICTION

The United States District Court for the Western District of Wisconsin (“District Court”) had original jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. §§ 1331 and 1338, as the claims presented a federal question under the Copyright Act, 17 U.S.C. § 101 *et seq.* Plaintiffs are four individuals; Defendant is the Academy of Geriatric Physical Therapy (“AOGPT”), an individual membership professional organization representing physical therapists who specialize

in treating geriatric adults. The AOGPT has its principal place of business in the Western District of Wisconsin.

II. APPELLATE COURT JURISDICTION

The United States Court of Appeals for the Seventh Circuit has jurisdiction over Plaintiffs' appeal pursuant to 28 U.S.C. § 1291. The final Judgment was entered by the District Court on January 27, 2017, wherein summary judgment was entered in favor of defendant Academy of Geriatric Physical Therapy and against plaintiffs Marilyn Moffat, Karen Kemmis, Danielle Parker, and Mark Richards dismissing plaintiffs' copyright infringement claims. (Dkt. No. 90). Plaintiffs' Notice of Appeal was timely filed with the District Court on February 27, 2017.

III. THIS IS AN APPEAL OF AN IMMEDIATELY APPEALABLE FINAL JUDGMENT

Plaintiffs appeal from the Judgment entered on January 27, 2017 (Dkt. No. 90), and the underlying Opinion and Order dated December 22, 2016 (Dkt. No. 61), granting Defendant's motion for summary judgment and dismissing Plaintiffs' claims against Defendant. This is an appeal from a final judgment.

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

This is a civil case that does not involve any criminal convictions. 28 U.S.C. § 1915(g) is inapplicable. None of the parties to the litigation appear in an official capacity. This case does not involve a collateral attack on a criminal conviction. There have been no prior or related appellate proceedings in this case.

Dated: February 27, 2017

Respectfully Submitted,

s/ James E. Griffith
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