

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00626-jdp

Moffat, Marilyn et al v. Academy of Geriatric Physical Therapy
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Case in other court: 7th Circuit, 17-01432
Cause: 17:101 Copyright Infringement

Date Filed: 09/29/2015
Date Terminated: 01/27/2017
Jury Demand: Both
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Marilyn Moffat

represented by **James E. Griffith**
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Plaintiff

Karen Kemmis

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John Richard Sachs , Jr.

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Tiffany Dawn Gehrke
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Plaintiff

Danielle Parker

represented by **James E. Griffith**
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John Richard Sachs , Jr.
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Tiffany Dawn Gehrke
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Plaintiff

Mark Richards

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John Richard Sachs , Jr.
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Tiffany Dawn Gehrke
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V.

Defendant

Academy of Geriatric Physical Therapy

represented by **Jordan C.A. Corning**
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Counter Claimant

Academy of Geriatric Physical Therapy

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Melinda S. Giftos
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V.

Counter Defendant

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John Richard Sachs , Jr.
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Counter Defendant

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John Richard Sachs , Jr.
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Counter Defendant

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Counter Defendant

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Tiffany Dawn Gehrke
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2015	<u>1</u>	COMPLAINT against Academy of Geriatric Physical Therapy. (Filing fee \$ 400 receipt number 0758-1653358.), filed by All Plaintiffs. (Attachments: # <u>1</u> JS-44 Civil Cover Sheet, # <u>2</u> Summons) (Sachs, John) (Entered: 09/29/2015)
09/29/2015		Case randomly assigned to District Judge James D. Peterson and Magistrate Judge Stephen L. Crocker. (jat) (Entered: 09/29/2015)
09/29/2015		Standard attachments for Judge James D. Peterson required to be served on all parties with summons or waiver of service: NORTC , Corporate Disclosure Statement . (jat) (Entered: 09/29/2015)
09/29/2015	<u>2</u>	Summons Issued as to Academy of Geriatric Physical Therapy. (jat) (Entered: 09/29/2015)
10/06/2015		Action Requested: Counsel for plaintiff is requested to filed the AO 121. (jat) (Entered: 10/06/2015)
10/07/2015	<u>3</u>	Waiver of Service Returned Executed by Defendant Academy of Geriatric Physical Therapy. (Sachs, John) Modified on 10/8/2015. (lak) (Entered: 10/07/2015)
10/07/2015	<u>4</u>	Exhibit re: <u>1</u> Complaint, (<i>Form AO 121</i>) by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards (Sachs, John) Modified on 10/8/2015. (lak) (Entered: 10/07/2015)

- 10/07/2015 [5](#) Report on Filing of Copyright Action. Copy mailed to Copyright Office. (jat) (Entered: 10/07/2015)
- 11/30/2015 [6](#) ANSWER with Jury Demand, COUNTERCLAIM against All Plaintiffs by Defendant Academy of Geriatric Physical Therapy, (Attachments: # [1](#) Exhibit 1 - Sample contracts) (Giftos, Melinda) Modified on 11/30/2015. (lak) (Entered: 11/30/2015)
- 11/30/2015 Set Telephone Conference: Telephone Pretrial Conference set for 12/23/2015 at 01:00 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] (jat) (Entered: 11/30/2015)
- 12/14/2015 Set Telephone Pretrial or Status Conference: Telephone Pretrial Conference set for 12/23/2015 at 01:00 PM rescheduled to 12/22/2015 at 02:30 PM to accommodate the calendar of the court. Counsel for Plaintiff remains responsible for setting up the call to chambers at (608) 264-5153. (cak) (Entered: 12/14/2015)
- 12/17/2015 [7](#) Joint Rule 26 Initial Disclosure Report by Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 12/17/2015)
- 12/21/2015 [8](#) Reply to Counterclaim by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 12/21/2015)
- 01/05/2016 [9](#) Pretrial Conference Order - Amendments to Pleadings due 2/5/2016. Dispositive Motions due 6/17/2016. Settlement Letters due 12/19/2016. Motions in Limine due 1/6/2017. Response to Motion due 1/20/2017. Final Pretrial Conference set for 2/1/2017 at 04:00 PM. Jury Selection and Trial set for 2/6/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 12/31/15. (jat) (Entered: 01/05/2016)
- 03/08/2016 [10](#) Motion for Protective Order by Defendant Academy of Geriatric Physical Therapy, (Attachments: # [1](#) Exhibit A - Acknowledgement, # [2](#) Text of Proposed Order) (Giftos, Melinda) (Entered: 03/08/2016)
- 03/14/2016 11 ** TEXT ONLY ORDER **
Motion for Protective Order [10](#) is accepted and entered by the court. Signed by Magistrate Judge Stephen L. Crocker on 3/14/16. (jat) (Entered: 03/14/2016)
- 04/18/2016 [12](#) Motion to Compel *Discovery* by Defendant Academy of Geriatric Physical Therapy. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 4/25/2016. (Giftos, Melinda) (Entered: 04/18/2016)
- 04/18/2016 [13](#) Declaration of Melinda S. Giftos filed by Defendant Academy of Geriatric Physical Therapy re: [12](#) Motion to Compel, (Attachments: # [1](#) Exhibit A - AGPT's First Set of Written Interrogatories and Request for Production of Documents, # [2](#) Exhibit B - March 18, 2016 e-mail, # [3](#) Exhibit C - March 28, 2016 e-mail, # [4](#) Exhibit D - April 6, 2016 e-mail, # [5](#) Exhibit E - April 14, 2016 e-mail) (Giftos, Melinda) (Entered: 04/18/2016)
- 04/19/2016 14 ** TEXT ONLY ORDER **
On the afternoon of Monday, April 18, 2016, defendant filed a motion (dkt. [12](#)) to compel discovery responses from plaintiffs. According to defendant, plaintiffs' responses were due March 16, 2016; plaintiffs provided nothing, so defendant followed up on March 18, March 28 and April 6. Plaintiffs provided some documents on April 8, 2016, but not all of them, and have yet to

provide interrogatory responses. Defendant sent a final email on Thursday, April 14, but got no response. In its motion, defendant asks the court to order plaintiffs to provide all of the discovery by 5:00 p.m. on Wednesday, April 20, two days after filing its motion. This is because defendant has noticed plaintiff depositions for April 27, 28, May 6 and 10. The court will not rule on defendant's motion that quickly because the December 31, 2015 preliminary pretrial conference allows plaintiffs seven calendar days to respond to the motion, *see* dkt. [9](#) at 4. That said, the order also requires all parties to comply with their deadlines under the discovery rules, *id.* at 3 and separately orders all parties to attend diligently to their obligations in this lawsuit and to reasonably accommodate each other in all matters so as to secure the just, speedy and inexpensive resolution of each proceeding in this matter, *id.* at 1. Therefore, If this court learns on April 25 that plaintiffs have not provided *all* requested documents or have not provide complete interrogatory responses by noon on Friday, April 22, 2016, then the court shall close discovery for the plaintiffs and the magistrate judge will recommend to the presiding judge that he dismiss plaintiffs' claims under Rule 37(b)(2)(A)(v) for failure to obey their court-ordered obligations as set forth in the preliminary pretrial conference order. The court will reserve on the request for cost shifting until it has entered its substantive order on defendant's motion. Signed by Magistrate Judge Stephen L. Crocker on 4/19/16. (jat) (Entered: 04/19/2016)

- 04/25/2016 [15](#) Declaration of John R. Sachs, Jr., filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [12](#) Motion to Compel filed by Academy of Geriatric Physical Therapy, (Attachments: # [1](#) Exhibit A - Emails, # [2](#) Exhibit B - Emails, # [3](#) Exhibit C - Emails, # [4](#) Exhibit D - Emails, # [5](#) Exhibit E - Emails) (Sachs, John) Modified on 4/26/2016: Changed docketing event from Brief in Opposition to Declaration. (lak) (Entered: 04/25/2016)
- 04/26/2016 16 ** TEXT ONLY ORDER **
On April 25, 2016, plaintiffs, by counsel, filed their response (dkt. [15](#)) to defendant's motion to compel discovery (dkt. [12](#)) by reporting that they provided all outstanding discovery by the court-ordered deadline (see dkt. 14) and providing plaintiff's version of what had--and had not--happened up to that point regarding discovery. From the court's perspective, this dispute now is resolved, so it will deny defendant's motion as currently moot. All parties will bear their own costs on the motion to compel. Signed by Magistrate Judge Stephen L. Crocker on 4/26/16. (jat) (Entered: 04/26/2016)
- 05/27/2016 [17](#) Motion to Amend Briefing Schedule *to Extend Time for Dispositive Motions* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. Motions referred to Magistrate Judge Stephen L. Crocker. (Sachs, John) Modified on 5/27/2016. (lak) (Entered: 05/27/2016)
- 05/27/2016 [18](#) Declaration of John R. Sachs, Jr. re: [17](#) Motion to Amend Briefing Schedule by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # [1](#) Exhibit - Pretrial Order) (Sachs, John) Modified on 5/27/2016: Corrected docketing event; termed motion. (lak) (Entered: 05/27/2016)
- 05/31/2016 19 ** TEXT ONLY ORDER **
Plaintiffs' unopposed motion (dkt. [17](#)) to extend the deadline to file dispositive motions from June 17, 2016 to July 21, 2016 is GRANTED solely because the court's scheduling template for a February 6, 2017 trial date can accommodate the requested extension. The preliminary pretrial conference order specifically advises parties that the court will not extend this filing deadline based on their failure to complete necessary discovery in time. *See* dkt. [9](#) at 3. Signed by Magistrate Judge Stephen L. Crocker on 5/31/16. (jat) (Entered: 05/31/2016)

05/31/2016 Reset Deadlines: Dispositive Motions due 7/21/2016. (jat) (Entered: 05/31/2016)

07/18/2016 [20](#) Notice by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy of *Firm Name Change*. (Giftos, Melinda) Modified on 7/18/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [21](#) Deposition of Anne Coffman taken on 6/20/2016. (Corning, Jordan) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [22](#) Deposition of Danille Parker taken on 4/28/2016. (Corning, Jordan) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [23](#) Deposition of Jill Heitzman taken on 6/23/2016. (Giftos, Melinda) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [24](#) Deposition of Karen Kemmis taken on 6/2/2016. (Giftos, Melinda) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [25](#) Deposition of Marilyn Moffat taken on 5/23/2016. (Giftos, Melinda) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [26](#) Deposition of Mark Richards taken on 4/27/2016. (Giftos, Melinda) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/18/2016 [27](#) Deposition of William Staples taken on 6/21/2016. (Giftos, Melinda) Modified on 7/19/2016. (lak) (Entered: 07/18/2016)

07/21/2016 [28](#) Notice of Appearance filed by Jordan C.A. Corning for Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Corning, Jordan) (Entered: 07/21/2016)

07/21/2016 [29](#) **MOTION FOR SUMMARY JUDGMENT** by Defendant Academy of Geriatric Physical Therapy. Brief in Opposition due 8/11/2016. Brief in Reply due 8/22/2016. (Giftos, Melinda) (Entered: 07/21/2016)

07/21/2016 [30](#) **MOTION FOR SUMMARY JUDGMENT** by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. Brief in Opposition due 8/11/2016. Brief in Reply due 8/22/2016. (Sachs, John) (Entered: 07/21/2016)

07/21/2016 [31](#) Proposed Findings of Fact filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Complaint, # [2](#) Exhibit B - Slide Deck, Course 1, # [3](#) Exhibit C - Lab Manual, # [4](#) Exhibit D - Slide Deck, Course 2, # [5](#) Exhibit E - Lab Manual, # [6](#) Exhibit F - Slide Deck, Course III) (Sachs, John) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)

07/21/2016 [32](#) Continuation of Proposed Findings of Fact filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit G - Contracts, # [2](#) Exhibit H - Draft Contracts, # [3](#) Exhibit I - Draft Contracts, # [4](#) Exhibit J - Contract, # [5](#) Exhibit K - Draft Contracts, # [6](#) Exhibit L - Contracts, # [7](#) Exhibit M - Contracts,

[8](#) Exhibit N - Memo,
[9](#) Exhibit O - Board Minutes,
[10](#) Exhibit P - Letter,
[11](#) Exhibit Q - Email,
[12](#) Exhibit R - Letter,
[13](#) Exhibit S - Letter,
[14](#) Exhibit T - Letter,
[15](#) Exhibit U - Letter,
[16](#) Exhibit W - Lab Manual,
[17](#) Exhibit X - Slide Deck,
[18](#) Exhibit Y - Lab Manual,
[19](#) Exhibit Z - Slide Deck,
[20](#) Exhibit AA - Lab Manual,
[21](#) Exhibit BB -Memo,
[22](#) Exhibit CC - Email,
[23](#) Exhibit JJ - Memo) (Sachs, John) Modified on 7/22/2016: Exhibits DD - II? (lak) (Entered: 07/21/2016)

07/21/2016

[33](#) Declaration of Jordan C. Corning filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments:
[1](#) Exhibit 1 - Physical Therapist's Exercise Prescription for Aging Adults, Laboratory Manual and Registration,
[2](#) Exhibit 2 (Part 1) - Physical Therapist Exercise/Physical Activity Prescription and Registration,
[3](#) Exhibit 2 (Part 2) - Physical Therapist Exercise/Physical Activity Prescription and Registration,
[4](#) Exhibit 3 (Part 1) - Physical Therapist Evidence-Based Exercise Prescription, Complementary Exercises, Nutrition, Meds. and Registration,
[5](#) Exhibit 3 (Part 2) - Physical Therapist Evidence-Based Exercise Prescription, Complementary Exercises, Nutrition, Meds. and Registration,
[6](#) Exhibit 4 - Physical Therapist's Evidence-Based Exercise Prescription for Aging Adults Disease/Condition Specific, Medication Influences, Nutrition, Complementary Exercises Laboratory Manual and Registration,
[7](#) Exhibit 5 - Physical Therapist Exercise Prescription for Aging Adults and Registration,
[8](#) Exhibit 6 (Part 1) - Physical Therapist Examination and Exercise Prescription for Aging Adults (Slide Deck) and Registration,
[9](#) Exhibit 6 (Part 2) - Physical Therapist Examination and Exercise Prescription for Aging Adults (Slide Deck) and Registration,
[10](#) Exhibit 7 - Functional Test Forms/Flow Chart and Registration,
[11](#) Exhibit 8 - Physical Therapist's Examination Aging Adults Tests & Measures Laboratory Manual and Registration,
[12](#) Exhibit 9 - Relevant portions of Marilyn Moffat's Response to Interrogatories dated April 21, 2016,
[13](#) Exhibit 10 - January 29, 2009, Report to the Board,
[14](#) Exhibit 11 - February 6, 2004, Members Meeting Section on Geriatrics, APTA,
[15](#) Exhibit 12 - September 24, 2007, Final TF Report to Board,
[16](#) Exhibit 13 - August 30, 2004 Initial Report of TF to Board,
[17](#) Exhibit 14 - July 13 2005 TF Report to the Board,
[18](#) Exhibit 15 - June 5, 2006 TF Report to the Board,
[19](#) Exhibit 16 - May 21, 2007 TF Report to the Board,
[20](#) Exhibit 17 - January 11, 2007 TF Report to Board,

- # [21](#) Exhibit 18 - History of TF Activities Submitted for Award,
- # [22](#) Exhibit 19 - E-mail from William Staples to John Barr and Karen Curran dated March 4, 2014,
- # [23](#) Exhibit 20 - CEEAA Proposed Certification Program,
- # [24](#) Exhibit 21 - Academy's Board meeting minutes from February 7, 2004, through October 8, 2014,
- # [25](#) Exhibit 22 - E-mail string regarding permissions to use 3rd party materials,
- # [26](#) Exhibit 23 - Representative sampling of contracts signed by Plaintiff Moffat,
- # [27](#) Exhibit 24 - "Pre-Course" taught by KK and MR in Kansas City 4/12/2008,
- # [28](#) Exhibit 25 (Part 1) - Physical Therapist Exercise/Physical Activity Prescription Part I,
- # [29](#) Exhibit 25 (Part 2) - Physical Therapist Exercise/Physical Activity Prescription Part I,
- # [30](#) Exhibit 26 - Relevant portions of Karen Kemmis' Response to Interrogatories dated April 21, 2016,
- # [31](#) Exhibit 27 - Relevant portions of Danille Parker's Response to Interrogatories dated April 20, 2016,
- # [32](#) Exhibit 28 - Relevant portions of Mark Richard's Response to Interrogatories dated April 20, 2016,
- # [33](#) Exhibit 29 - Academy's annual budgets from 2005 through 2016,
- # [34](#) Exhibit 30 - Email between Staples and Marilyn Moffat dated January 13, 2014,
- # [35](#) Exhibit 31 - Letter from William Staples to Marilyn Moffat and Karen Kemmis dated January 15, 2014,
- # [36](#) Exhibit 32 - Representative sampling of contracts signed by Plaintiff Kemmis,
- # [37](#) Exhibit 33 - Representative sampling of contracts signed by Plaintiff Richards,
- # [38](#) Exhibit 34 - Representative sampling of contracts signed by Plaintiff Parker,
- # [39](#) Exhibit 35 - Section on Geriatrics Board of Directors Action Items 2008 (as of 5/27/08)) (Corning, Jordan) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)

- 07/21/2016 [34](#) Exhibit 29 to [33](#) Declaration re: [29](#) Motion for Summary Judgment filed by Academy of Geriatric Physical Therapy. (Sealed Document) (Corning, Jordan) Modified on 7/22/2016: Linked to the pending motion. (lak) (Entered: 07/21/2016)
- 07/21/2016 [35](#) Disregard. See [45](#) for signed version. Modified on 7/24/2016. (lak) (Entered: 07/21/2016)
- 07/21/2016 [36](#) Affidavit of Danille Parker re: [30](#) Motion for Summary Judgment by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, (Attachments: # [1](#) Exhibit A - Letter) (Sachs, John) Modified on 7/22/2016: Corrected docket entry, etc. E-mail to counsel. (lak) (Entered: 07/21/2016)
- 07/21/2016 [37](#) Brief in Support re: [30](#) Motion for Summary Judgment by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) Modified on 7/22/2016: Corrected docketing event, etc. E-mail to counsel. (lak) (Entered: 07/21/2016)
- 07/21/2016 [38](#) Declaration of Dr. William H. Staples filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - 2014 Tax Form 990, # [2](#) Exhibit B (Part 1) - Course Part I PP, # [3](#) Exhibit B (Part 2) - Course Part I PP, # [4](#) Exhibit C - Course Part 1 Lab Manual, # [5](#) Exhibit D - Course Part II PP, # [6](#) Exhibit E - Course Part II Lab Manual, # [7](#) Exhibit F (Part 1) - Course Part III PP, # [8](#) Exhibit F (Part 2) - Course Part III PP, # [9](#) Exhibit G - Course Part III Lab Manual,

[10](#) Exhibit H - Acknowledgement and Assignment of Rights,
[11](#) Exhibit I - "Our Rich History") (Giftos, Melinda) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)

- 07/21/2016 [39](#) Declaration of Jill Heitzman filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Acknowledgement and Assignment of Rights) (Giftos, Melinda) (Entered: 07/21/2016)
- 07/21/2016 [40](#) Declaration of Dr. Dale Avers filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Memorandum, # [2](#) Exhibit B - Community Screening Form, # [3](#) Exhibit C - Exercise Guidelines, # [4](#) Exhibit D - Risks of Inactivity Brochure, # [5](#) Exhibit E - Powerpoint Presentation, # [6](#) Exhibit F - Powerpoint Presentation, # [7](#) Exhibit G - APTA's Section on Geriatrics Guide, # [8](#) Exhibit H - Draft Educational Curriculum Guidelines, # [9](#) Exhibit I (Part 1) - Task Force Continuing Education Presentation, # [10](#) Exhibit I (Part 2) - Task Force Continuing Education Presentation, # [11](#) Exhibit J - Task Force Continuing Education Presentation, # [12](#) Exhibit K - CAAEE Certification, # [13](#) Exhibit L - Acknowledgement and Assignment of Rights) (Giftos, Melinda) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)
- 07/21/2016 [41](#) Declaration of Dr. Rita Wong filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Acknowledgement and Assignment of Rights) (Giftos, Melinda) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)
- 07/21/2016 [42](#) Brief in Support of [29](#) Motion for Summary Judgment by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 07/21/2016)
- 07/21/2016 [43](#) Proposed Findings of Fact by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment. (Giftos, Melinda) Modified on 7/22/2016: Linked to the motion. (lak) (Entered: 07/21/2016)
- 07/21/2016 [44](#) Declaration of Dr. John O. Barr filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Task Force's Product Plan dated 2007, # [2](#) Exhibit B (Part 1) - Task Force Continuing Education Presentation, # [3](#) Exhibit B (Part 2) - Task Force Continuing Education Presentation, # [4](#) Exhibit C - Application for Award with the APTA, # [5](#) Exhibit D - Academy's Trademark Registration, # [6](#) Exhibit E - E-Mail Conversation with Moffat) (Giftos, Melinda) Modified on 7/22/2016. (lak) (Entered: 07/21/2016)
- 07/22/2016 Reset Briefing Deadlines as to [29](#) MOTION FOR SUMMARY JUDGMENT, [30](#) MOTION FOR SUMMARY JUDGMENT. Brief in Opposition due 8/18/2016. Brief in Reply due 9/1/2016. (*See*

- 07/22/2016 [45](#) Affidavit of Marilyn Moffat filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Report, # [2](#) Exhibit B - Contracts, # [3](#) Exhibit C - Draft Contract, # [4](#) Exhibit D - Draft Contract, # [5](#) Exhibit E - Contract, # [6](#) Exhibit F - Draft Contracts, # [7](#) Exhibit G - Contracts, # [8](#) Exhibit H - Memo, # [9](#) Exhibit I - Board Minutes, # [10](#) Exhibit J - Letter, # [11](#) Exhibit K - Email, # [12](#) Exhibit L - Letter, # [13](#) Exhibit M - Letter, # [14](#) Exhibit N - Board Minutes, # [15](#) Exhibit O - Letter, # [16](#) Exhibit P - Letter, # [17](#) Exhibit R - Lab Manual, # [18](#) Exhibit S - Slide Deck, # [19](#) Exhibit T - Lab Manual, # [20](#) Exhibit U - Slide Deck, # [21](#) Exhibit V - Lab Manual, # [22](#) Exhibit W - Memo) (Sachs, John) Modified on 7/24/2016: Corrected typo, etc. (lak) (Entered: 07/22/2016)
- 08/18/2016 [46](#) Brief in Opposition by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [30](#) Motion for Summary Judgment filed by Marilyn Moffat, Mark Richards, Danielle Parker, Karen Kemmis. (Giftos, Melinda) (Entered: 08/18/2016)
- 08/18/2016 [47](#) Response to Proposed Findings of Fact filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [30](#) Motion for Summary Judgment. (Giftos, Melinda) (Entered: 08/18/2016)
- 08/18/2016 [48](#) Supplemental Proposed Findings of Fact filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [30](#) Motion for Summary Judgment. (Giftos, Melinda) (Entered: 08/18/2016)
- 08/18/2016 [49](#) Declaration of Melinda Giftos filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [30](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit 36 - Docket Report, Order to Show Cause, and Amended Complaint, # [2](#) Exhibit 37 - Email regarding proposed draft of undisputed findings of fact, # [3](#) Exhibit 38 - CEEAA Course Materials) (Giftos, Melinda) (Entered: 08/18/2016)
- 08/18/2016 [50](#) Brief in Opposition by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [29](#) Motion for Summary Judgment filed by Academy of Geriatric Physical Therapy. (Sachs, John) (Entered: 08/18/2016)
- 08/18/2016 [51](#) Response to Proposed Findings of Fact filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [29](#) Motion for Summary Judgment. (Sachs, John) (Entered: 08/18/2016)

- 08/18/2016 [52](#) Affidavit of Marilyn Moffat filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Moffat Affidavit Dated 7/21/16, # [2](#) Exhibit B - Memorandum, # [3](#) Exhibit C - List of Committees, # [4](#) Exhibit D - Contracts, # [5](#) Exhibit E - Draft Contracts, # [6](#) Exhibit F - Board Meeting Minutes, # [7](#) Exhibit G - Letter) (Sachs, John) Modified on 8/19/2016: Corrected typo, etc. (lak) (Entered: 08/18/2016)
- 08/18/2016 [53](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [29](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Alabama I Slides, # [2](#) Exhibit B - Alabama II Slides, # [3](#) Exhibit C - Alabama III Slides, # [4](#) Exhibit D 1 - Course I Slides (1/2), # [5](#) Exhibit D 2 - Course I Slides (2/2), # [6](#) Exhibit E - Course II Slides, # [7](#) Exhibit F - Course III Slides, # [8](#) Exhibit G - 2014 Tax Return) (Sachs, John) Modified on 8/19/2016: Changed "Affidavit" to "Declaration". (lak) (Entered: 08/18/2016)
- 09/01/2016 [54](#) Brief in Reply by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy in Support of [29](#) Motion for Summary Judgment. (Giftos, Melinda) (Entered: 09/01/2016)
- 09/01/2016 [55](#) Reply in Support of Proposed Findings of Fact filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [29](#) Motion for Summary Judgment. (Giftos, Melinda) (Entered: 09/01/2016)
- 09/01/2016 [56](#) Brief in Reply by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards in Support of [30](#) Motion for Summary Judgment. (Sachs, John) (Entered: 09/01/2016)
- 09/01/2016 [57](#) Response to Proposed Findings of Fact filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment. (Sachs, John) (Entered: 09/01/2016)
- 09/01/2016 [58](#) Reply in Support of Proposed Findings of Fact filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment. (Sachs, John) (Entered: 09/01/2016)
- 09/01/2016 [59](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Email from A. Coffman, # [2](#) Exhibit B - AI Materials I, # [3](#) Exhibit C - AI Materials I Lab, # [4](#) Exhibit D - AI Materials II, # [5](#) Exhibit E - AI Materials Lab, # [6](#) Exhibit F - AI Materials III, # [7](#) Exhibit G - 2012 Contracts, # [8](#) Exhibit H - 2009 - 2010 Contracts, # [9](#) Exhibit I - 2011 - 2012 Contracts, # [10](#) Exhibit J - Memo of Conference Call, # [11](#) Exhibit K - Board Meeting Minutes Dated 2/10/11,

[12](#) Exhibit L - Redlined Contract,
[13](#) Exhibit M - 2011 Form Contract,
[14](#) Exhibit N - 2014 P&L,
[15](#) Exhibit O - 2015 P&L,
[16](#) Exhibit P - Board Meeting Agenda 2/10/11,
[17](#) Exhibit Q - Letter from Staples to Parker,
[18](#) Exhibit R - Letter from Parker to Staples) (Sachs, John) Modified on 9/2/2016: Clarified exhibit descriptions. (lak) (Entered: 09/01/2016)

09/01/2016 [60](#) Affidavit of Marilyn Moffat filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [30](#) Motion for Summary Judgment, (Attachments:
[1](#) Exhibit A - 1/2, Course I Slide Deck,
[2](#) Exhibit A - 2/2, Course I Slide Deck,
[3](#) Exhibit B - AOGPT Course I Slide Deck,
[4](#) Exhibit C - Comparison of Course I Slide Decks,
[5](#) Exhibit D - Course II Slide Deck,
[6](#) Exhibit E - AOGPT Course II Slide Deck,
[7](#) Exhibit F - Comparison of Course II Slide Decks,
[8](#) Exhibit G - Course III Slide Deck,
[9](#) Exhibit H - 1/2, AOGPT Course III Slide Deck,
[10](#) Exhibit H - 2/2, Course III Slide Deck,
[11](#) Exhibit I - Comparison of Course III Slide Decks,
[12](#) Exhibit J - Course I Lab Manual,
[13](#) Exhibit K - 1/2, AOGPT Course I lab manual,
[14](#) Exhibit K - 2/2, AOGPT Course I Lab Manual,
[15](#) Exhibit L - Comparisons of Course I Lab Manuals,
[16](#) Exhibit M - Course II Lab Manual,
[17](#) Exhibit N - AOGPT Course II Lab Manual,
[18](#) Exhibit O - Comparison of Course II Lab Manuals,
[19](#) Exhibit P - Course III Lab Manual,
[20](#) Exhibit Q - AOGPT Course III Lab Manual,
[21](#) Exhibit R - Comparison of Course III Lab Manuals) (Sachs, John) Modified on 9/2/2016: Clarified exhibit descriptions; corrected typos. (lak) (Entered: 09/01/2016)

12/22/2016 [61](#) OPINION & ORDER granting [29](#) Defendant's Motion for Summary Judgment; denying [30](#) Plaintiffs' Motion for Summary Judgment. Plaintiffs' copyright infringement claims are dismissed. The Academy's counterclaims remain for trial. Signed by District Judge James D. Peterson on 12/22/16. (jat) (Entered: 12/22/2016)

01/06/2017 [62](#) Proposed Jury Instructions by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)

01/06/2017 [63](#) Proposed Special Verdict - Liability and Damages by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) Modified on 1/9/2017. (lak) (Entered: 01/06/2017)

01/06/2017 [64](#) Proposed Voir Dire by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)

01/06/2017 [65](#) Witness List by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)

01/06/2017 [66](#) Motion in Limine *Requesting the Court to Take Judicial Notice* by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)

- 01/06/2017 [67](#) Motion in Limine *for a Finding that Plaintiff/Counterclaim Defendant Parker owed a Fiduciary Duty to the Academy* by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)
- 01/06/2017 [68](#) Exhibit List by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 01/06/2017)
- 01/06/2017 69 ** TEXT ONLY ORDER **
To accommodate the court's calendar, trial in this case will begin on Wednesday, February 8, 2017, at 9:00 a.m. All other dates and deadlines remain in place. Signed by District Judge James D. Peterson on 01/06/2017. (mfh) (Entered: 01/06/2017)
- 01/06/2017 [70](#) Witness List & *Rule 26(a)(3) Disclosure* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [71](#) Proposed Voir Dire by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [72](#) Proposed Jury Instructions - Liability and Damages by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [73](#) Proposed Special Verdict - Liability and Damages by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [74](#) Motion in Limine *No. 1* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [75](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards *in Support* re: [74](#) Motion in Limine, (Sealed Document) (Attachments: # [1](#) Exhibit A - 2011 Contract Moffat/SOG, # [2](#) Exhibit B - Nine Contracts Between Plaintiffs/Defendant from 2009 & 2010, # [3](#) Exhibit C - Memorandum of TelCon 11/29/10, # [4](#) Exhibit D - Agenda for Board Meeting 2/10/11, # [5](#) Exhibit E - Minutes of Board Meeting 2/10/11, # [6](#) Exhibit F - Email from Moffat to Staples 6/5/13) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/06/2017)
- 01/06/2017 [76](#) Motion in Limine *No. 2* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [77](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards *in Support* re: [76](#) Motion in Limine, (Attachments: # [1](#) Exhibit A - 2011 Contract Moffat/SOG, # [2](#) Exhibit B - Seven Contracts Between Plaintiff and Defendant 2013 and 2014) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/06/2017)
- 01/06/2017 [78](#) Motion in Limine *No. 3* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 01/06/2017)
- 01/06/2017 [79](#) Declaration of John R. Sachs, Jr. (see [87](#)) filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards *in Support* re: [78](#) Motion in Limine, (Sealed Document) (Attachments: # [1](#) Exhibit A - Email from Moffat to Staples dated 6/5/2013, # [2](#) Exhibit B - Email String - Heitzman and Hack dated 6/8/2013, # [3](#) Exhibit C - Email String - Hack and Heitzman dated 6/10/2013) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/06/2017)

01/06/2017 [80](#) Motion in Limine *No. 4* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 01/06/2017)

01/06/2017 [81](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards *in Support* re: [80](#) Motion in Limine, (Attachments: # [1](#) Exhibit A - Nine Contracts Between Plaintiff and Defendant - 2009 & 2010, # [2](#) Exhibit B - Minutes of Board of Director Meeting of Defendant dated 2/10/2011) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/06/2017)

01/06/2017 [82](#) Exhibit List by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Sachs, John) (Entered: 01/06/2017)

01/08/2017 [83](#) Disregard. See [85](#) . Modified on 1/9/2017. (lak) (Entered: 01/08/2017)

01/08/2017 [84](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [85](#) Motion to Amend/Correct, (Attachments: # [1](#) Exhibit A - Proposed Amended Jury Instructions (Amended)) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/08/2017)

01/09/2017 Reset Trial: Jury Selection and Trial reset for 2/8/2017 at 09:00 AM. (jat) (Entered: 01/09/2017)

01/09/2017 [85](#) Motion to Amend/Correct [72](#) Proposed Jury Instructions by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. Response due 1/17/2017. (Sachs, John) (Entered: 01/09/2017)

01/09/2017 [86](#) Redaction to [75](#) Declaration of John R. Sachs, Jr., (Attachments: # [1](#) Exhibit A - 2011 Contract Moffat/SOG, # [2](#) Exhibit B - Nine Contracts Between Plaintiffs/Defendant from 2009 & 2010, # [3](#) Exhibit C - Memorandum of TelCon dated 11/29/10, # [4](#) Exhibit D - Agenda for Board Meeting dated 2/10/11, # [5](#) Exhibit E - Minutes of Board Meeting dated 2/10/11, # [6](#) Exhibit F - Email from Moffat to Staples dated 6/5/13) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/09/2017)

01/09/2017 [87](#) Redaction to [79](#) Declaration of John R. Sachs, Jr., (Attachments: # [1](#) Exhibit A - Email from Moffat to Staples dated 6/5/2013, # [2](#) Exhibit B - Email String - Heitzman and Hack dated 6/8/2013, # [3](#) Exhibit C - Email String - Hack and Heitzman dated 6/10/2013) (Sachs, John) Modified on 1/9/2017. (lak) (Entered: 01/09/2017)

01/23/2017 [88](#) STIPULATION of Dismissal of *Counterclaims*. (Giftos, Melinda) (Entered: 01/23/2017)

01/27/2017 [89](#) ORDER: Defendant's counterclaims are dismissed without prejudice pursuant to parties' stipulation [88](#) . Defendant's motions in limine [66](#) and [67](#) are denied. Plaintiffs' motions in limine [74](#) , [76](#) , [78](#) , and [80](#) are denied. Plaintiffs' motion to amend proposed jury instruction [80](#) is denied. Signed by District Judge James D. Peterson on 1/27/17. (jat) (Entered: 01/27/2017)

01/27/2017 [90](#) JUDGMENT entered in favor of Defendant Academy of Geriatric Physical Therapy dismissing the case. (jat) (Entered: 01/27/2017)

01/27/2017 [91](#) Report on Filing of Copyright Action. Copy mailed to Copyright Office. (Attachments: # [1](#) Opinion & Order, # [2](#) Order on Stipulation, # [3](#) Judgment) (jat) (Entered: 01/27/2017)

02/10/2017 [92](#) Bill of Costs by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. Motions referred to Peter A. Oppeneer, Clerk of Court. Objection to Bill of Costs due 2/21/2017. Brief in Support to Bill of Costs due 3/2/2017. Brief in Reply in

Opposition to Bill of Costs due 3/7/2017. (Attachments:

[1](#) Exhibit A: Itemization of Fees for Court Reporter and Transcripts,

[2](#) Exhibit B: Itemization of Fees for Exemplification and Copies) (Giftos, Melinda) (Entered: 02/10/2017)

02/10/2017 [93](#) Motion for Attorney Fees *and Costs* by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy. (Giftos, Melinda) (Entered: 02/10/2017)

02/10/2017 [94](#) Declaration of Melinda S. Giftos filed by Counter Claimant Academy of Geriatric Physical Therapy, Defendant Academy of Geriatric Physical Therapy re: [93](#) Motion for Attorney Fees (Sealed Document) (Attachments: # [1](#) Exhibit A: Itemization of Fees, # [2](#) Exhibit B: Cease and Desist Letter, # [3](#) Exhibit C-1: Cease and Desist Letter March 21, 2014, # [4](#) Exhibit C-2: Cease and Desist Letter October 8, 2014, # [5](#) Exhibit C-3: Cease and Desist Letter May 7, 2015, # [6](#) Exhibit D: Docket Report and Publicly Available Filings from NY Case, # [7](#) Exhibit E: August 31, 2015 Communication from Plaintiffs, # [8](#) Exhibit F: Correspondence Regarding Ongoing Ex Parte Communications with the Court, # [9](#) Exhibit G: Correspondence from Plaintiffs re: Sanctions, # [10](#) Exhibit H: Communication from Plaintiffs re: Hurt Feelings and Being Offended, # [11](#) Exhibit I: Communications re: Copyright Registration, # [12](#) Exhibit J: May 18, 2016 Communication from John Sachs, # [13](#) Exhibit K: Documents Produced MOFFAT8790-8797, # [14](#) Exhibit L: December 23, 2016 Opinion and Order) (Giftos, Melinda) Modified on 2/12/2017. (lak) (Entered: 02/10/2017)

02/10/2017 [95](#) Redaction re: [94](#) Declaration, (Attachments: # [1](#) Exhibit A: Itemization of Fees, # [2](#) Exhibit B: Cease and Desist Letter, # [3](#) Exhibit C-1: Cease and Desist Letter March 21, 2014, # [4](#) Exhibit C-2: Cease and Desist Letter October 8, 2014, # [5](#) Exhibit C-3: Cease and Desist Letter May 7, 2015, # [6](#) Exhibit D: Docket Report and Publicly Available Filings from NY Case, # [7](#) Exhibit E: August 31, 2015 Communication from Plaintiffs, # [8](#) Exhibit F: Correspondence Regarding Ongoing Ex Parte Communications with the Court, # [9](#) Exhibit G: Correspondence from Plaintiffs re: Sanctions, # [10](#) Exhibit H: Communication from Plaintiffs re: Hurt Feelings and Being Offended, # [11](#) Exhibit I: Communications re: Copyright Registration, # [12](#) Exhibit J: May 18, 2016 Communication from John Sachs, # [13](#) Exhibit K: Documents Produced MOFFAT8790-8797, # [14](#) Exhibit L: December 23, 2016 Opinion and Order) (Giftos, Melinda) Modified on 2/12/2017. (Entered: 02/10/2017)

02/15/2017 Set Deadlines as to [93](#) Motion for Attorney Fees *and Costs*. Brief in Opposition due 3/8/2017. Brief in Reply due 3/20/2017. (jat) (Entered: 02/15/2017)

02/21/2017 [96](#) Notice of Appearance filed by James E. Griffith for Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Griffith, James) (Entered: 02/21/2017)

02/21/2017 [97](#) Notice of Appearance filed by Tiffany Dawn Gehrke for Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Gehrke, Tiffany) (Entered: 02/21/2017)

- 02/21/2017 [98](#) Objection to Bill of Costs by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [92](#) Bill of Costs filed by Academy of Geriatric Physical Therapy. (Griffith, James) (Entered: 02/21/2017)
- 02/27/2017 [99](#) NOTICE OF APPEAL by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards as to [61](#) Order on Motion for Summary Judgment, [90](#) Judgment. Filing fee of \$ 505, receipt number 0758-1979290 paid. Docketing Statement filed. (Attachments: # [1](#) Docketing Statement) (Griffith, James) (Entered: 02/27/2017)
- 02/27/2017 [100](#) Appeal Information Packet. (lak) (Entered: 02/27/2017)
- 02/27/2017 [101](#) Transmission of Notice of Appeal, Docketing Statement, Opinion and Order, Judgment and Docket Sheet to Seventh Circuit Court of Appeals re: [99](#) Notice of Appeal, (Attachments: # [1](#) Docketing Statement, # [2](#) Opinion and Order, # [3](#) Judgment, # [4](#) Docket Sheet) (lak) (Entered: 02/27/2017)
- 02/28/2017 USCA Case Number 17-1432 for [99](#) Notice of Appeal filed by Marilyn Moffat, Mark Richards, Danielle Parker, Karen Kemmis. (jat) (Entered: 02/28/2017)
- 03/01/2017 [102](#) Brief in Support of Bill of Costs by Counter Claimant Academy of Geriatric Physical Therapy re: [92](#) Bill of Costs filed by Academy of Geriatric Physical Therapy, (Attachments: # [1](#) Exhibit - Disputed 4/30/2016 Alphagraphics Invoice) (Giftos, Melinda) (Entered: 03/01/2017)
- 03/01/2017 [103](#) Declaration of Melinda S. Giftos re: [92](#) Bill of Costs. (Giftos, Melinda) Modified on 3/2/2017: Linked to the pending motion instead of the brief. (lak) (Entered: 03/01/2017)
- 03/07/2017 [104](#) Brief in Reply in Opposition to Bill of Costs by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [92](#) Bill of Costs filed by Academy of Geriatric Physical Therapy. (Griffith, James) (Entered: 03/07/2017)
- 03/08/2017 [105](#) Redaction to [106](#) Declaration filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, (Attachments: # [1](#) Exhibit A - Collection of Correspondence Between Sachs & Giftos, 2015-2016, # [2](#) Exhibit B - Collection of Contracts Between Plaintiffs and Defendants, 2009-2010, # [3](#) Exhibit C - Task Force Report dated 11/29/10, # [4](#) Exhibit D - Agenda for Board Mtg, 2/10/11, # [5](#) Exhibit E - Minutes of Board Mtg, 2/10/11, # [6](#) Exhibit F - Email from Hack to Heitzman 6/10/13, # [7](#) Exhibit G - Letter from Sachs to Giftos, 5/18/16) (Sachs, John) Modified on 3/9/2017: Detailed e-mail to counsel regarding how to file redacted documents; clarified exhibit descriptions; corrected typo. Disregard future entries. (lak) (Entered: 03/08/2017)
- 03/08/2017 [106](#) Declaration of John R. Sachs, Jr. filed by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [93](#) Motion for Attorney Fees, (Sealed Document) (Attachments: # [1](#) Exhibit A - Collection of Correspondence Between Sachs & Giftos, 2015-2016, # [2](#) Exhibit B - Collection of Contracts Between Plaintiffs and Defendants, 2009-2010, # [3](#) Exhibit C - Task Force Report dated 11/29/10, # [4](#) Exhibit D - Agenda for Board Mtg, 2/10/11, # [5](#) Exhibit E - Minutes of Board Mtg, 2/10/11, # [6](#) Exhibit F - E-mail from Hack to Heitzman, 6/10/13, # [7](#) Exhibit G - Letter from Sachs to Giftos, 5/18/16) (Sachs, John) Modified on 3/9/2017:

Clarified exhibit descriptions; corrected typo. (lak) (Entered: 03/08/2017)

- 03/08/2017 [107](#) Redaction to [108](#) Brief in Opposition by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, (Attachments: # [1](#) Exhibit A - Perfect 10 Inc v Visa Intern Service Association, # [2](#) Exhibit B - BWP Media USA Inc. v Polyvore Inc., # [3](#) Exhibit C - Liang v AWG Remarketing Inc.) (Griffith, James) Modified on 3/9/2017: Detailed e-mail to counsel regarding how to file redacted documents. Disregard future entries. (lak) (Entered: 03/08/2017)
- 03/08/2017 [108](#) Brief in Opposition by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [93](#) Motion for Attorney Fees filed by Academy of Geriatric Physical Therapy, ([Sealed Document](#)) (Attachments: # [1](#) Exhibit A - Perfect 10 Inc. v Visa Intern Service Association, # [2](#) Exhibit B - BWP Media USA Inc. v Polyvore Inc., # [3](#) Exhibit C - Liang v AWG Remarketing Inc.) (Griffith, James) Modified on 3/9/2017. (lak) (Entered: 03/08/2017)
- 03/13/2017 [109](#) Transcript Request Form by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [99](#) Notice of Appeal. (Griffith, James) (Entered: 03/13/2017)
- 03/13/2017 [110](#) Designation of Record on Appeal by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards re: [99](#) Notice of Appeal. (Griffith, James) (Entered: 03/13/2017)
- 03/14/2017 [111](#) Court Reporter Certification of Seventh Circuit Transcript Information Sheet re [99](#) Notice of Appeal. (jat) (Entered: 03/14/2017)
- 03/20/2017 [112](#) Disregard. See [114](#) for Brief in Reply. Modified on 3/21/2017. (lak) (Entered: 03/20/2017)
- 03/20/2017 [113](#) Supplemental Declaration of Melinda S. Giftos filed by Defendant Academy of Geriatric Physical Therapy re: [93](#) Motion for Attorney Fees, (Attachments: # [1](#) Exhibit A - 2015 AIPLA Survey, # [2](#) Exhibit B - Corrected Fee Schedule) (Giftos, Melinda) (Entered: 03/20/2017)
- 03/21/2017 [114](#) Brief in Reply by Defendant Academy of Geriatric Physical Therapy in Support of [93](#) Motion for Attorney Fees. (lak) (Entered: 03/21/2017)
- 03/27/2017 [115](#) Motion for Leave to File *a Sur-Reply* by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards, Counter Defendants Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards. (Griffith, James) Modified on 3/28/2017. (lak) (Entered: 03/27/2017)
- 09/20/2017 [116](#) ORDER: Costs Taxed in favor of Defendant in the amount of \$8,497.01. Motion for Attorney Fees [93](#) is granted in part and denied in part. Defendant awarded attorney fees in the amount of \$177,203.95. Defendant's request for sanctions under 28 U.S.C. 1927 is denied. Plaintiffs' Motion for Leave to File a Sur-Reply [115](#) is granted. Signed by District Judge James D. Peterson on 9/20/17. (jat) (Entered: 09/20/2017)
- 10/18/2017 [117](#) NOTICE OF APPEAL by Plaintiffs Karen Kemmis, Marilyn Moffat, Danielle Parker, Mark Richards as to [116](#) Order Taxing Costs, Order on Motion for Attorney Fees, Order on Motion for Leave to File. Filing fee of \$ 505, receipt number 0758-2126692 paid. Docketing Statement filed. (Attachments: # [1](#) Docketing Statement) (Griffith, James) (Entered: 10/18/2017)