

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARK MITTELSTADT,

Plaintiff,

v.

TOM VILSACK, in his capacity as SECRETARY,  
UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

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ORDER

15-cv-725-wmc

In its prior opinion and order on plaintiff Mark Mittelstadt's motion for summary judgment, the court provided plaintiff with an opportunity to respond to the court's conclusion that judgment should be entered in defendant's favor on the common law breach of contract claim pursuant to Fed. R. Civ. P. 56(f). In a telephonic conference with the parties held today, plaintiff's counsel stated that he had no further facts to present to the court. With the full record before the court and having the benefit of further argument today on plaintiff's breach of contract claim, the court enters judgment in defendant's favor on that claim as well.

Accordingly, IT IS ORDERED that:

- 1) Judgment is entered in defendant's favor on plaintiff's remaining common law breach of contract claim.
- 2) The clerk of court is directed to enter final judgment in defendant's favor consistent with this order and the court's June 14, 2017, opinion and order.

Entered this 16th day of June, 2017.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge