

APPEAL, CLOSED, KRC,

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00725-wmc
Internal Use Only

Mittelstadt, Mark v. Vilsack, Tom
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/12/2015
Date Terminated: 06/16/2017
Jury Demand: Plaintiff
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

Mark Mittelstadt

represented by **Frank J. Jablonski**
Progressive Law Group, Llc
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Tom Vilsack
*Secretary, United States Department of
Agriculture*

represented by **Leslie K. Herje**
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TERMINATED: 03/10/2016

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Date Filed	#	Docket Text
11/12/2015	1	COMPLAINT against Tom Vilsack. (Filing fee \$ 400 receipt number 0758-1681533.), filed by Mark Mittelstadt. (Attachments: # 1 Summons, # 2 Exhibit - Appealable Decision, # 3 JS-44 Civil Cover Sheet) (Jablonski, Frank) Modified on 11/12/2015. (lak) (Entered: 11/12/2015)
11/12/2015		Case randomly assigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (jat) (Entered: 11/12/2015)
11/12/2015		Standard attachments for Judge William M. Conley required to be served on all parties with summons or waiver of service: NORTC , Corporate Disclosure Statement . (jat) (Entered: 11/12/2015)
11/12/2015	2	Summons Issued as to Tom Vilsack. (jat) (Entered: 11/12/2015)
12/03/2015	3	AMENDED COMPLAINT against Tom Vilsack, filed by Mark Mittelstadt. (Jablonski, Frank) (Entered: 12/03/2015)
12/21/2015	4	Request for Issuance of Summons by Plaintiff Mark Mittelstadt. (Jablonski, Frank) (Entered: 12/21/2015)
12/22/2015	5	Summons Issued as to Tom Vilsack. (jat) (Entered: 12/22/2015)
03/10/2016	6	Affidavit of Service by Plaintiff. Tom Vilsack served on 2/1/2016, answer due 4/1/2016. (Jablonski, Frank) (Entered: 03/10/2016)
03/10/2016	7	Notice by Defendant Tom Vilsack of <i>Substitution of Counsel</i> . (Humphrey, Richard) (Entered: 03/10/2016)
03/25/2016	8	ANSWER to Amended Complaint by Defendant Tom Vilsack. (Humphrey, Richard) (Entered: 03/25/2016)
03/25/2016		Set Telephone Conference: Telephone Pretrial Conference set for 4/19/2016 at 02:00 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: 03/25/2016)
03/30/2016	9	Amended ANSWER by Defendant Tom Vilsack. (Humphrey, Richard) (Entered: 03/30/2016)
04/18/2016	10	Joint Preliminary Pretrial Conference Report by Plaintiff Mark Mittelstadt. (Jablonski, Frank) Modified on 4/18/2016: Corrected docketing event. (lak) (Entered: 04/18/2016)
04/19/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 4/19/2016 [:10] (cak) (Entered: 04/19/2016)

		04/19/2016)
04/25/2016	11	Pretrial Conference Order - Plaintiff's Dispositive Motions due 10/21/2016. Government's Response due 12/23/2016. Plaintiff's Reply due 2/3/2017. Government's Surreply on Contract Claim due 2/24/2017. Final Pretrial Submissions due 5/22/2017. Court Trial set for 6/19/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 4/20/16. (jat) (Entered: 04/25/2016)
10/13/2016	12	Motion to Amend Briefing Schedule by Plaintiff Mark Mittelstadt. Motions referred to Magistrate Judge Stephen L. Crocker. (Jablonski, Frank) (Entered: 10/13/2016)
10/14/2016	13	** TEXT ONLY ORDER ** ORDER granting 12 Motion to Amend Briefing Schedule. Signed by Magistrate Judge Stephen L. Crocker on 10/14/16. (jat) (Entered: 10/14/2016)
10/14/2016		Reset Deadlines: Dispositive Motions due 11/18/2016. (jat) (Entered: 10/14/2016)
11/19/2016	14	Disregard, See 18 . (Jablonski, Frank) Modified on 11/21/2016 (jat). (Entered: 11/19/2016)
11/19/2016	15	Brief in Support of 18 Motion for Summary Judgment by Plaintiff Mark Mittelstadt (Jablonski, Frank) Modified on 11/21/2016 (jat). (Entered: 11/19/2016)
11/19/2016	16	Declaration of Frank Jablonski filed by Plaintiff Mark Mittelstadt re: 18 Motion for Summary Judgment (Attachments: # 1 Exhibit Agency Handbook, # 2 Exhibit Agency Handbook, # 3 Exhibit Agency Handbook, # 4 Exhibit Agency Decision, # 5 Exhibit Agency Decision, # 6 Exhibit Agency Final Decision) (Jablonski, Frank) Modified on 11/21/2016 (jat). (Entered: 11/19/2016)
11/19/2016	17	Declaration of Mark Mittelstadt filed by Plaintiff Mark Mittelstadt re: 18 Motion for Summary Judgment (Jablonski, Frank) Modified on 11/21/2016 (jat). (Entered: 11/19/2016)
11/20/2016	18	MOTION FOR SUMMARY JUDGMENT by Plaintiff Mark Mittelstadt. Brief in Opposition due 12/12/2016. Brief in Reply due 12/21/2016. (Jablonski, Frank) (Entered: 11/20/2016)
11/21/2016		Reset Briefing Deadlines as to 18 MOTION FOR SUMMARY JUDGMENT. Brief in Opposition due 1/27/2017. Brief in Reply due 2/24/2017. Brief in Surreply on contract claim due 3/17/2017. (jat) (Entered: 11/21/2016)
01/27/2017	19	Administrative Record from U.S. Department of Agriculture, (Attachments: # 1 Administrative Record, Part 2, # 2 Administrative Record, Part 3) (Humphrey, Richard) Modified on 1/27/2017. (lak) (Entered: 01/27/2017)
01/27/2017	20	Brief in Opposition by Defendant Tom Vilsack re: 18 Motion for Summary Judgment filed by Mark Mittelstadt. (Humphrey, Richard) (Entered: 01/27/2017)

01/30/2017	21	Motion to Strike 17 Declaration by Defendant Tom Vilsack. Brief in Opposition due 2/13/2017. Brief in Reply due 2/21/2017. (Humphrey, Richard) Modified on 1/30/2017. (lak) (Entered: 01/30/2017)
02/21/2017	22	Brief in Opposition by Plaintiff Mark Mittelstadt re: 21 Motion to Strike. (Jablonski, Frank) Modified on 2/22/2017. (lak) (Entered: 02/21/2017)
02/27/2017	23	Brief in Reply by Plaintiff Mark Mittelstadt in Support of 18 Motion for Summary Judgment (Jablonski, Frank) (Entered: 02/27/2017)
03/10/2017	24	Notice by Defendant Tom Vilsack re: 18 Motion for Summary Judgment. <i>No Surreply To Be Filed</i> . (Humphrey, Richard) Modified on 3/13/2017. (lak) (Entered: 03/10/2017)
06/14/2017	25	OPINION AND ORDER denying 18 Plaintiff's Motion for Summary Judgment; denying as moot 21 Defendant's Motion to Strike. The decision of defendant Tom Vilsack, then Secretary of the U.S. Department of Agriculture, is AFFIRMED. The bench trial will proceed as scheduled on June 19, 2017, at which time the court will take up plaintiff's remaining common law contract claim. A Final Pretrial Conference will be held telephonically this Friday, June 16, 2017, at 10:00 a.m. Plaintiff's counsel shall initiate the call to the court at (608) 264-5087. Signed by District Judge William M. Conley on 6/14/17. (jat) (Entered: 06/14/2017)
06/14/2017		Set Hearings: Telephone Final Pretrial Conference set for 6/16/2017 at 10:00 AM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (jat) (Entered: 06/14/2017)
06/16/2017		Minute Entry for proceedings held before District Judge William M. Conley: Telephonic Final Pretrial Conference held on 6/16/2017. [:15] (Court Reporter CS.) (mfh) (Entered: 06/16/2017)
06/16/2017	26	ORDER entering judgment in defendant's favor on plaintiff's remaining common law breach of contract claim. Signed by District Judge William M. Conley on 6/16/17. (jat) (Entered: 06/16/2017)
06/16/2017	27	JUDGMENT entered in favor of Defendant Tom Vilsack dismissing the case. (jat) (Entered: 06/16/2017)
07/17/2017	28	NOTICE OF APPEAL by Plaintiff Mark Mittelstadt as to 27 Judgment. Filing fee of \$ 505, receipt number 0758-2069269 paid. No Docketing Statement filed. (Jablonski, Frank) (Entered: 07/17/2017)
07/18/2017	29	Appeal Information Packet. (jat) (Entered: 07/18/2017)