

**U.S. District Court**  
**Western District of Wisconsin (Madison)**  
**CIVIL DOCKET FOR CASE #: 3:15-cv-00810-bbc**

Freitag, Herbert v. Capital One Services, LLC  
Assigned to: District Judge Barbara B. Crabb  
Referred to: Magistrate Judge Stephen L. Crocker  
Cause: 29:621 Job Discrimination (Age)

Date Filed: 12/18/2015  
Date Terminated: 06/23/2017  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff****Herbert Freitag**

represented by **Peter M. Reinhardt**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Capital One Services, LLC**

represented by **Brian M. Radloff**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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12/18/2015	<a href="#">1</a>	COMPLAINT against Capital One Services, LLC. ( Filing fee \$ 400 receipt number 0758-1704936.), filed by Herbert Freitag. (Attachments: # <a href="#">1</a> JS-44 Civil Cover Sheet, # <a href="#">2</a> Summons) (Reinhardt, Peter) (Entered: 12/18/2015)
12/18/2015		Case randomly assigned to District Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker. (kwf) (Entered: 12/18/2015)
12/18/2015		Standard attachments for District Judge Barbara B. Crabb required to be served on all parties with summons or waiver of service: <a href="#">NORTC</a> , <a href="#">Corporate Disclosure Statement</a> , <a href="#">Order on Dispositive Motions</a> . (kwf) (Entered: 12/18/2015)
12/18/2015	<a href="#">2</a>	Summons Issued as to Capital One Services, LLC. (kwf) (Entered: 12/18/2015)
01/07/2016	<a href="#">3</a>	Waiver of Service Returned Executed by Defendant Capital One Services, LLC. Capital One Services, LLC waiver sent on 12/22/2015, answer due 2/22/2016. (Reinhardt, Peter) (Entered: 01/07/2016)
02/19/2016	<a href="#">4</a>	Notice of Appearance filed by Mark A. Johnson for Defendant Capital One Services, LLC. (Johnson, Mark) (Entered: 02/19/2016)
02/19/2016	<a href="#">5</a>	Notice of Appearance filed by Brian M. Radloff for Defendant Capital One Services, LLC. (Radloff, Brian) (Entered: 02/19/2016)
02/19/2016	<a href="#">6</a>	Corporate Disclosure Statement by Defendant Capital One Services, LLC. (Radloff, Brian) (Entered: 02/19/2016)
02/19/2016	<a href="#">7</a>	ANSWER by Defendant Capital One Services, LLC. (Radloff, Brian) (Entered: 02/19/2016)
02/22/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 3/23/2016 at 2:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [ <a href="#">Standing Order Governing Preliminary Pretrial Conference</a> attached] (kwf) (Entered: 02/22/2016)
02/22/2016	<a href="#">8</a>	Motion to Reschedule <i>Telephone Pretrial Conference</i> by Plaintiff Herbert Freitag. (Reinhardt, Peter) (Entered: 02/22/2016)
02/25/2016	9	** TEXT ONLY ORDER ** ORDER granting <a href="#">8</a> Motion to Reschedule <i>Telephone Pretrial Conference</i> . Telephone Pretrial Conference reset from 3/23/2016 to 3/29/2016 at 1:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for plaintiff remains responsible for initiating the conference call to chambers. Signed by Magistrate Judge Peter A. Oppeneer on 2/25/2016. (kwf) (Entered: 02/25/2016)
03/18/2016	<a href="#">10</a>	Joint Discovery Plan. (Radloff, Brian) (Entered: 03/18/2016)
03/29/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 3/29/2016 [:10] (cak) (Entered: 03/29/2016)
03/31/2016	<a href="#">11</a>	Pretrial Conference Order - Amendments to Pleadings due 4/29/2016. Dispositive Motions due 1/27/2017. Settlement Letters due 6/16/2017. Motions in Limine due 6/23/2017. Response to Motions due 7/7/2017. Final Pretrial Conference set for 7/20/2017 at 4:00 PM. Jury Selection and Trial set for 7/24/2017 at 9:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 3/31/2016. (kwf) (Entered: 03/31/2016)
10/17/2016	<a href="#">12</a>	Unredacted Expert Report of Kenneth Ogren by Plaintiff Herbert Freitag, (Attachments: # <a href="#">1</a> Exhibit - Publications and Testimony, # <a href="#">2</a> Exhibit - Curriculum Vitae) (Reinhardt, Peter) Modified on 10/18/2016. (lak) (Entered: 10/17/2016)

10/18/2016	<a href="#">13</a>	Expert Report of Fredric Kolb by Plaintiff Herbert Freitag, (Attachments: # <a href="#">1</a> Exhibit - Curriculum Vitae, # <a href="#">2</a> Exhibit - Billing Rate) (Reinhardt, Peter) (Entered: 10/18/2016)
12/01/2016	<a href="#">14</a>	Stipulation Regarding Time for Expert Disclosures by Defendant Capital One Services, LLC. (Johnson, Mark) Modified on 12/1/2016. (lak) (Entered: 12/01/2016)
12/01/2016	15	** TEXT ONLY ORDER ** ORDER accepting and entering <a href="#">14</a> Stipulation for Time for Expert Disclosures. Signed by Magistrate Judge Stephen L. Crocker on 12/1/2016. (kwf) (Entered: 12/01/2016)
01/27/2017	<a href="#">16</a>	Deposition of Steve Cambra taken on July 29, 2015, (Attachments: # <a href="#">1</a> Exhibit 1 - My Feedback Summary, # <a href="#">2</a> Exhibit 2 - E-mail Dated 5/6/2013) (Radloff, Brian) Modified on 1/29/2017: Added exhibit descriptions. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">17</a>	Deposition of Richard Elliott taken on December 14, 2016. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">18</a>	Deposition of Herbert Freitag taken on December 1, 2016, (Attachments: # <a href="#">1</a> Exhibit 3 - Performance Improvement Plan, # <a href="#">2</a> Exhibit 10 - Performance Appraisal, # <a href="#">3</a> Exhibit 12 - 2009 US Scorecard) (Radloff, Brian) Modified on 1/29/2017: Added exhibit descriptions. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">19</a>	Deposition of Sandi Frey taken on December 12, 2016, (Attachments: # <a href="#">1</a> Exhibit 1 - Salesforce.com Document, # <a href="#">2</a> Exhibit 3 - Salesforce.com Document, # <a href="#">3</a> Exhibit 5 - Performance Improvement Plan) (Radloff, Brian) Modified on 1/29/2017: Added exhibit descriptions. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">20</a>	Deposition of RoseAnn Golden taken on December 14, 2016, (Attachments: # <a href="#">1</a> Exhibit 1 - Capital One Document) (Radloff, Brian) Modified on 1/29/2017: Added exhibit description. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">21</a>	Deposition of Sarah Mankowski taken on July 29, 2015, (Attachments: # <a href="#">1</a> Exhibit 1 - Capital One Letter Dated 7/11/2014, # <a href="#">2</a> Exhibit 2 - Salesforce.com Document, # <a href="#">3</a> Exhibit 7 - E-mail Dated 1/8/2015) (Radloff, Brian) Modified on 1/29/2017: Added exhibit descriptions. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">22</a>	Deposition of Bryan Powell taken on December 13, 2016. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">23</a>	Deposition of Julie Traff taken on December 12, 2016, (Attachments: # <a href="#">1</a> Exhibit 1 - Capital One Document, # <a href="#">2</a> Exhibit 2 - Corporate Security Services Investigation Report) (Radloff, Brian) Modified on 1/29/2017: Added exhibit descriptions. (lak) (Entered: 01/27/2017)
01/27/2017	<a href="#">24</a>	<b>MOTION FOR SUMMARY JUDGMENT</b> by Defendant Capital One Services, LLC. Brief in Opposition due 2/17/2017. Brief in Reply due 2/27/2017. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">25</a>	Brief in Support of <a href="#">24</a> Motion for Summary Judgment by Defendant Capital One Services, LLC. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">26</a>	Proposed Findings of Fact filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 01/27/2017)

01/27/2017	<a href="#">27</a>	Declaration of Terence Abell filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">28</a>	Declaration of Austin Millsap filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 01/27/2017)
01/27/2017	<a href="#">29</a>	Declaration of Patricia Olson filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 01/27/2017)
02/15/2017	<a href="#">30</a>	Declaration of Scott Milsteadt filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment. (Reinhardt, Peter) (Entered: 02/15/2017)
02/15/2017	<a href="#">31</a>	Declaration of Linda Alexander filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment. (Reinhardt, Peter) (Entered: 02/15/2017)
02/15/2017	<a href="#">32</a>	Deposition of Anne Hofer taken on 2/10/2017. (Reinhardt, Peter) (Entered: 02/15/2017)
02/17/2017	<a href="#">33</a>	Affidavit of Herbert Freitag filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit - Feedback Summary) (Reinhardt, Peter) (Entered: 02/17/2017)
02/17/2017	<a href="#">34</a>	Affidavit of Peter Reinhardt filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit - Defendant's Responses to Plaintiff's First Set of Interrogatories and Second Set of Requests for Production of Documents, # <a href="#">2</a> Exhibit 3 from Deposition of Sarah Mankowski - Performance Appraisal; Exhibit 5 from Deposition of Sarah Mankowski - Detail Termed Associate Data Sheet; Exhibit 6 from Deposition of Sarah Mankowski - E-mail Dated 2/23/2015, # <a href="#">3</a> Exhibit - Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents, and Bates Document C.O.0050000 - C.O.0050006, # <a href="#">4</a> Exhibit - Plaintiff's Responses to Defendant's First Set of Interrogatories and Requests for Production of Documents and Bates Documents C000047 - C000048, and C000005, # <a href="#">5</a> Exhibit - Plaintiff's Supplemental Responses to Defendant's First Set of Requests for Production of Documents and Bates Document P000572, # <a href="#">6</a> Exhibit 2 from the Deposition of Sandi Frey - salesforce.com Document; Exhibit 4 from the Deposition of Sandi Frey - salesforce.com Document, # <a href="#">7</a> Exhibit - Respondent's Objections, Answers and Responses to Complainant's First Set of Interrogatories and Requests for Production of Documents, ERD Case No. CR201401719) (Reinhardt, Peter) Modified on 2/17/2017: Added descriptions for multi-part exhibits, etc. (lak) (Entered: 02/17/2017)
02/17/2017	<a href="#">35</a>	Proposed Findings of Fact filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment. (Reinhardt, Peter) (Entered: 02/17/2017)
02/17/2017	<a href="#">36</a>	Response to Proposed Findings of Fact filed by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment. (Reinhardt, Peter) (Entered: 02/17/2017)
02/17/2017	<a href="#">37</a>	Brief in Opposition by Plaintiff Herbert Freitag re: <a href="#">24</a> Motion for Summary Judgment filed by Capital One Services, LLC. (Reinhardt, Peter) (Entered: 02/17/2017)
02/27/2017	<a href="#">38</a>	Brief in Reply by Defendant Capital One Services, LLC in Support of <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 02/27/2017)
02/27/2017	<a href="#">39</a>	Response to Proposed Findings of Fact filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 02/27/2017)
02/27/2017	<a href="#">40</a>	Reply in Support of Proposed Findings of Fact filed by Defendant Capital One Services, LLC re: <a href="#">24</a> Motion for Summary Judgment. (Radloff, Brian) (Entered: 02/27/2017)

06/21/2017	<a href="#">41</a>	Deposition of Patricia Olson taken on 06-08-2017. (Reinhardt, Peter) (Entered: 06/21/2017)
06/21/2017	<a href="#">42</a>	Deposition of Terence Abell taken on 06-16-17. (Reinhardt, Peter) (Entered: 06/21/2017)
06/21/2017	<a href="#">43</a>	Supplemental Expert Report of Kenneth Ogren by Plaintiff Herbert Freitag. (Reinhardt, Peter) (Entered: 06/21/2017)
06/23/2017	<a href="#">44</a>	OPINION AND ORDER granting <a href="#">24</a> Motion for Summary Judgment. The clerk of court is directed to dismiss plaintiff Herbert Freitag's claim and to close this case. Signed by District Judge Barbara B. Crabb on 6/23/2017. (kwf) (Entered: 06/23/2017)
06/23/2017	<a href="#">45</a>	JUDGMENT entered in favor of Defendant Capital One Services, LLC dismissing the case. (kwf) (Entered: 06/23/2017)
07/07/2017	<del>45</del> <a href="#">46</a>	Bill of Costs by Defendant Capital One Services, LLC. Motions referred to Peter A. Oppeneer, Clerk of Court. Objection to Bill of Costs due 7/17/2017. Brief in Support to Bill of Costs due 7/27/2017. Brief in Reply in Opposition to Bill of Costs due 8/1/2017. (Johnson, Mark) (Entered: 07/07/2017)
07/07/2017	<a href="#">47</a>	Affidavit of Mark A. Johnson filed by Defendant Capital One Services, LLC re: <a href="#">46</a> Bill of Costs, (Attachments: # <a href="#">1</a> Exhibit A - Documentation of Cost of Mankowski Deposition Transcript, # <a href="#">2</a> Exhibit B - Invoice for Freitag Deposition Transcript, # <a href="#">3</a> Exhibit C - Invoice for Frey and Traff Deposition Transcripts, # <a href="#">4</a> Exhibit D - Invoice for Powell Deposition Transcript, # <a href="#">5</a> Exhibit E - Invoice for Elliot and Golden Deposition Transcripts, # <a href="#">6</a> Exhibit F - Invoice for Hofer Deposition Transcript, # <a href="#">7</a> Exhibit G - Invoice for Olson Deposition Transcript, # <a href="#">8</a> Exhibit H - Invoice for Abell and Stratman Deposition Transcripts, # <a href="#">9</a> Exhibit I - Invoice for Gaudreau Deposition Transcript, # <a href="#">10</a> Exhibit J - Documentation of Payment for 12-30-2015 Hearing) (Johnson, Mark) Modified on 7/10/2017. (lak) (Entered: 07/07/2017)
07/20/2017	<a href="#">48</a>	NOTICE OF APPEAL by Plaintiff Herbert Freitag as to <a href="#">45</a> Judgment. Filing fee of \$ 505, receipt number 0758-2070720 paid. Docketing Statement filed. (Reinhardt, Peter) Modified on 7/24/2017. (lak) (Entered: 07/20/2017)
07/20/2017	<a href="#">49</a>	Transcript Request Form by Plaintiff Herbert Freitag re: <a href="#">48</a> Notice of Appeal. (Reinhardt, Peter) (Entered: 07/20/2017)
07/20/2017	<a href="#">50</a>	Docketing Statement re: <a href="#">48</a> Notice of Appeal. (Reinhardt, Peter) (Entered: 07/20/2017)
07/24/2017	<a href="#">51</a>	Appeal Information Packet. (lak) (Entered: 07/24/2017)