

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:16-cv-00475-bbc

Williams, Patricia v. State of Wisconsin, Department of
Workforce Development, Division of Vocational Rehabilitation
et al
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Demand: \$2,500,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/01/2016
Date Terminated: 05/05/2017
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Patricia Williams

represented by **Patricia Williams**
P.O. Box 259583
Madison, WI 53725-9583
608-285-5640
PRO SE

V.

Defendant

**State of Wisconsin, Department of
Workforce Development, Division of
Vocational Rehabilitation**

represented by **Katherine D. Spitz**
Wisconsin Department of Justice
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P.O. Box 7857
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ATTORNEY TO BE NOTICED

Defendant

DVR Director Nicholas Lampone

represented by **Katherine D. Spitz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Delori Newton

represented by **Katherine D. Spitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Enid Glenn**represented by **Katherine D. Spitz**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/01/2016	<u>1</u>	COMPLAINT against Defendants State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation and Nicholas Lampone, filed by Plaintiff Patricia Williams. (Case non-randomly assigned to District Judge Barbara B. Crabb.) (Attachments: # <u>1</u> Hearing Officers Report and Decision dated 7/1/16, # <u>2</u> Opening Statement dated 6/3/16, # <u>3</u> Letter from Cathy Steffke of Disability Rights Wisconsin dated 6/6/16, # <u>4</u> Individualized Plan for Employment (IPE) dated 6/8/16, # <u>5</u> Patricia Williams Evidence List, # <u>6</u> Policy Directive RSA-PD-01-03 US Dept. of Education Rehabilitation Services Administration - Implementation of Informed Choices, # <u>7</u> Policy Directive RSA-PD-97-04 US Dept. of Education Rehabilitation Services Administration - Employment Goal for an Individual with a Disability, # <u>8</u> WI State DWD / DVR Individual Plan for Employment (Think Possibilities) guidance for consumers, # <u>9</u> WI State DWD / DVR Policy Manual page 5 - Informed Choices, # <u>10</u> Rehabilitation Act 34 CFR 361.48(g) - Scope of Vocational Rehabilitation Services for Individuals with Disabilities, # <u>11</u> Applicable Definitions Rehabilitation Act 34 CFR 361.5 (35) Defines what maintenance is under the law including specific provision for clothing, # <u>12</u> Blank IPE form, # <u>13</u> DVR Denial Letter dated 6/14/16, # <u>14</u> Email from Patricia Williams to Nicholas Lampone dated 4/4/16, # <u>15</u> Case Management Case Notes, # <u>16</u> Request for Hearing dated 4/22/16, # <u>17</u> CRS Report for Congress updated 6/20/08, # <u>18</u> Envelope) (nln) (Entered: 07/06/2016)
07/01/2016	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Patricia Williams. (nln),(ps) (Entered: 07/06/2016)
07/07/2016	<u>3</u>	ORDER on ifp request: Plaintiff Patricia Williams's <u>2</u> motion for leave to proceed without prepayment of fees is GRANTED. Complaint taken under advisement for screening. Signed by Magistrate Judge Peter A. Oppeneer on 7/07/16. (nln),(ps) (Entered: 07/07/2016)
07/14/2016	<u>4</u>	Motion to add documents by Plaintiff Patricia Williams. (Attachments: # <u>1</u> 42 U.S.C. 200d-7, # <u>2</u> Excerpt of Fiscal Account Codes (pages 1, 2, 7, 9 and 12),

		# 3 Assistive Technology Document, # 4 Envelope) (elc),(ps) (Entered: 07/14/2016)
09/02/2016	5	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation. Service to be made by USMS. Plaintiff's "motion to add documents," dkt. # 4 , is DENIED. Signed by District Judge Barbara B. Crabb on 9/2/2016. (jef),(ps) (Entered: 09/02/2016)
09/06/2016	6	Summons Issued as to Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation. Forwarded to US Marshals for service. (Attachments: # 1 Summons as to Lampone) (jef),(ps) (Entered: 09/06/2016)
09/08/2016	7	Marshal Service Return Executed. Nicholas Lampone served on 9/7/2016, answer due 9/28/2016; State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation served on 9/7/2016, answer due 9/28/2016. (Attachments: # 1 USMS Process Receipt and Return as to Defendant Lampone) (elc),(ps) (Entered: 09/08/2016)
09/15/2016	8	Notice of Appearance filed by Katherine D. Spitz for Defendants Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 09/15/2016)
09/28/2016	9	ANSWER by Defendants Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation, (Attachments: # 1 Certificate of Service, # 2 Exhibit - Renumbered Complaint) (Spitz, Katherine),(ps) Modified on 9/29/2016. (lak) (Entered: 09/28/2016)
09/28/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 10/19/2016 at 01:30 PM before Magistrate Judge Stephen L. Crocker. Plaintiff responsible for contacting the court at (608) 264-5153. Once plaintiff's call has been received, the court will then include counsel for defendant in the conference call. [Notice Regarding the Telephone Preliminary Pretrial Conference attached] (nlm),(ps) (Entered: 09/28/2016)
10/19/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference - Pro Se held on 10/19/2016 [:35] (cak),(ps) (Entered: 10/19/2016)
10/20/2016	10	Motion to amend statement of claim by Plaintiff Patricia Williams. (jef),(ps) (Entered: 10/20/2016)
10/20/2016		Set Briefing Deadlines as to 10 Motion to Amend Plaintiff's Statement of Claim. Defendants' Brief in Opposition due 11/4/2016. Plaintiff's Brief in Reply due 11/14/2016. (jef),(ps) (Entered: 10/20/2016)

10/24/2016	11	Pretrial Conference Order - Dispositive Motions due 2/3/2017. Final Pretrial Submissions and Disclosures due 7/7/2017. Responses due 7/21/2017. Final Pretrial Conference set for 8/3/2017 at 04:00 PM. Jury Selection and Trial set for 8/7/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 10/21/2016. (jef),(ps) (Entered: 10/24/2016)
11/03/2016	12	Brief in Opposition by Defendants Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 10 Motion to Amend Complaint filed by Patricia Williams, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 11/03/2016)
11/09/2016	13	Brief in Reply and Motion for Correction to Statement of Claim and to add defendants Delori Newton and Enid Glenn by Plaintiff Patricia Williams in Support of 10 Motion to Amend Complaint (elc),(ps) (Entered: 11/10/2016)
12/12/2016	14	Witness List by Plaintiff Patricia Williams. (Attachments: # 1 Envelope) (nlm),(ps) (Entered: 12/13/2016)
01/10/2017	15	ORDER granting plaintiff's 10 Motion to amend statement of claim to add Delori Newton and Enid Glenn as new defendants. The motion is denied in all other respects. Service on defendants Newton and Glenn to be made by the U.S. Marshals Service. Signed by District Judge James D. Peterson on 1/10/2017. (elc),(ps) (Entered: 01/10/2017)
01/10/2017	16	Summons Issued as to Enid Glenn and Delori Newton. Forwarded to USMS for service. (Attachments: # 1 Summons as to Glenn, # 2 USMS 285 Forms as to Newton and Glenn) (elc),(ps) (Entered: 01/10/2017)
01/19/2017	17	Motion to Consolidate Cases by Plaintiff Patricia Williams. (Attachments: # 1 Envelope) (elc),(ps) (Entered: 01/19/2017)
01/30/2017	18	Brief in Opposition by Defendants Nicholas Lampone, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 17 Motion to Consolidate Cases filed by Patricia Williams, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 01/30/2017)
02/02/2017	19	ORDER denying plaintiff Patricia Williams's motion to consolidate, Dkt. 17 (in case no. 16-cv-475-bbc), and Dkt. 7 (in case no. 16-cv-830-bbc), without prejudice to Williams's refileing it after the defendants in case no. 16-cv-830-bbc have filed an answer to the complaint. Signed by District Judge James D. Peterson on 2/2/2017. (jef),(ps) (Entered: 02/02/2017)
02/02/2017	20	Marshal Service Return Executed. Delori Newton served on 1/30/2017, answer due 2/21/2017. (elc),(ps) (Entered: 02/02/2017)
02/03/2017	21	Deposition of Patricia Williams taken on January 23, 2017. (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	22	Notice of Appearance filed by Katherine D. Spitz for Defendants Enid Glenn, Delori Newton. (Spitz, Katherine),(ps) Modified on 2/5/2017. (lak) (Entered: 02/03/2017)

02/03/2017	23	ANSWER by Defendants Enid Glenn, Delori Newton. (Spitz, Katherine),(ps) Modified on 2/5/2017. (lak) (Entered: 02/03/2017)
02/03/2017	24	MOTION FOR SUMMARY JUDGMENT by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	25	Brief in Support of 24 Motion for Summary Judgment, by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation. (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	26	Proposed Findings of Fact filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment. (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	27	Declaration of Declaration of Delora Newton filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment. (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	28	Declaration of Enid Glenn filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment, (Attachments: # 1 Exhibit 1005 - Email with Service Agreement, # 2 Exhibit 1008 - Complaint against DWD Deputy Legal Counsel Pollock, # 3 Exhibit 1009 - Email with Letter, # 4 Exhibit 1010 - Email Requesting Investigation into Lampone) (Spitz, Katherine),(ps) (Entered: 02/03/2017)
02/03/2017	29	Declaration of Nicholas Lampone filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment, (Attachments: # 1 Exhibit 1003 - March 2, 2016 Denial Letter, # 2 Exhibit 1004 - DVR Transportation Policy Updated 11/2015, # 3 Exhibit 1006 - DVR Policy Manual, # 4 Exhibit 1007 - DVR Hearing Submissions) (Spitz, Katherine),(ps) Modified on 2/5/2017. (lak) (Entered: 02/03/2017)
02/03/2017		Set Briefing Deadlines as to 24 MOTION FOR SUMMARY JUDGMENT . [Pro Se Summary Judgment Procedure for Cases Assigned to Judge Crabb attached.] Plaintiff's Brief in Opposition due 3/6/2017. Defendants' Brief in Reply due 3/16/2017. (nlm),(ps) (Entered: 02/03/2017)
02/03/2017	30	Declaration of Patrick Schultz filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment,

		(Attachments: # 1 Exhibit 1000 - September 4, 2015 IPE, # 2 Exhibit 1001 - April 7, 2016 IPE, # 3 Exhibit 1002 - April 8, 2016 Email re: Work Clothes) (Spitz, Katherine),(ps) Modified on 2/5/2017. (lak) (Entered: 02/03/2017)
02/03/2017	31	Marshal Service Return Executed as to Enid Glenn. (jef),(ps) (Entered: 02/03/2017)
02/15/2017	32	Motion to Add DWD, The Division of Employment & Training, Bruce Palzkill and Joseph Ledger as Defendants by Plaintiff Patricia Ann Williams. (Attachments: # 1 Documents - e-mails, Invoices, checks, # 2 Envelope) (elc),(ps) (Entered: 02/15/2017)
02/16/2017	33	Motion to Strike 32 Motion to Add DWD, The Division of Employment & Training as Defendant(s) and Response in Opposition to 32 Motion to Add Defendants by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation. (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) Modified docket text on 2/16/2017 (nlm). (Entered: 02/16/2017)
02/21/2017	34	Motion to add defendants and witnesses to amended complaint, by Plaintiff Patricia Ann Williams. (Attachments: # 1 Envelope) (jef),(ps) (Entered: 02/21/2017)
02/21/2017	35	Motion to add DVR questionnaire and emails to complaint by Plaintiff Patricia Ann Williams. (Attachments: # 1 Emails regarding DVR investigation questions, # 2 Questions) (jef),(ps) (Entered: 02/21/2017)
02/27/2017	36	ORDER denying plaintiff Patricia Ann Williams's motion for leave to amend her complaint, Dkt. 32 (in case no. 16-cv-475-bbc), and Dkt. 13 (in case no. 16-cv-830-bbc). Defendant Department of Workforce Development's motion to "strike" Williams's motion, Dkt. 33 (in case no. 16-cv-475-bbc), is DENIED as moot. Williams's "Motion to Add Defendants & Witnesses to Plaintiff[s] Amended Complaint," Dkt. 34 (in case no. 16-cv-475-bbc), and Dkt. 14 (in case no. 16-cv-830-bbc) and "Motion to Add DVR Investigation Questionnaire and Email to Plaintiff[s] Complaint," Dkt. 35 (in case no. 16-cv-475-bbc), and Dkt. 15 (in case no. 16-cv-830-bbc), are DENIED. Signed by District Judge James D. Peterson on 2/27/2017. (jef),(ps) (Entered: 02/27/2017)
03/06/2017	37	Motion to Dismiss Defendants Summary Judgment, by Plaintiff Patricia Williams. (Attachments: # 1 Certificate of Service) (nlm),(ps) (Entered: 03/07/2017)

03/06/2017	38	Brief in Opposition by Plaintiff Patricia Williams re: 24 Motion for Summary Judgment, filed by Enid Glenn, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation, Nicholas Lampone. (Attachments: # 1 Certificate of Service, # 2 IPE Individual Plan for Employment dated 4/7/2016 Exhibit 1001, # 3 Wis. Sats. DWD 75 Exhibit 1004, # 4 Wis. Stats. DWD 47 Exhibit 1003, # 5 Patricia Williams E-mail dated 4/4/16 1002 Exhibit 14, # 6 DVR Policy Manual Exhibit 1005, # 7 SSA (Ticket to Work) 1006, # 8 Copy of present Denial Letter for "Interview/work clothes", # 9 Copy of Order entered in Eastern District Case No. 2016-cv-1647, De Jesus v. Murphy et al. dated on 2/2/2017, # 10 Request for Hearing dated 4/22/16, # 11 The Rehab Act as Amended Policy Directive dated 8/19/1997) (nln),(ps) (Entered: 03/07/2017)
03/07/2017		Reset Briefing Deadlines as to 24 MOTION FOR SUMMARY JUDGMENT. Defendants' Brief in Reply due 3/17/2017. (nln),(ps) (Entered: 03/07/2017)
03/07/2017	39	Supplement to 38 Brief in Opposition filed by Patricia Williams, 24 Motion for Summary Judgment, filed by Enid Glenn, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation, Nicholas Lampone. (Attachments: # 1 Email chain Nicholas Lampone and Patrick Schultz, pgs. 7 and 8, # 2 SSA Provider Claim form, fiscal account codes, other document excerpt (total 4 pages), # 3 Fair hearing opening statement, # 4 Fiscal account codes (14 pages, no page 3)) (jef),(ps) (Entered: 03/07/2017)
03/16/2017	40	Brief in Reply by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation in Support of 24 Motion for Summary Judgment, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 03/16/2017)
03/22/2017	41	Motion to Reply by Plaintiff Patricia Williams. (jef),(ps) (Entered: 03/22/2017)
03/23/2017	42	Response to Proposed Findings of Fact filed by Plaintiff Patricia Williams re: 41 Motion for Reply, 24 Motion for Summary Judgment. (Attachments: # 1 IPE dated on 9/4/15 Exhibit 1000 - 001, # 2 IPE dated on 4/7/16 Exhibit 1007 - 047, # 3 IPE dated on 6/8/16 Exhibit 1007 - 072, # 4 Certificate of Service) (jef),(ps) (Entered: 03/23/2017)
03/23/2017	43	Statement of Claim re 41 Motion to reply, 24 MOTION FOR SUMMARY JUDGMENT by Plaintiff Patricia Williams. (jef),(ps) (Entered: 03/23/2017)
03/28/2017	44	Reply in Support of Proposed Findings of Fact filed by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce

		Development, Division of Vocational Rehabilitation re: 24 Motion for Summary Judgment, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 03/28/2017)
04/03/2017	45	Motion for Leave to File Sur-Reply Memorandum, by Plaintiff Patricia Williams. (Attachments: # 1 Envelope) (nlm),(ps) (Entered: 04/03/2017)
04/19/2017	46	Motion and Memorandum to Consolidate Cases and Add Defendants by Plaintiff Patricia Ann Williams. (Attachments: # 1 Envelope) (elc),(ps) (Entered: 04/19/2017)
04/19/2017		Set Deadlines as to (46 in 3:16-cv-00475-bbc, 31 in 3:16-cv-00830-bbc) Motion to Consolidate Cases and Add Defendants. Defendants' Brief in Opposition due 5/3/2017. Plaintiff's Brief in Reply due 5/10/2017. (elc),(ps) (Entered: 04/19/2017)
05/03/2017	47	Brief in Opposition by Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation re: 46 Motion to Consolidate Cases filed by Patricia Ann Williams, (Attachments: # 1 Certificate of Service) (Spitz, Katherine),(ps) (Entered: 05/03/2017)
05/05/2017	48	ORDER denying 37 Motion to Dismiss; granting 41 Motion to reply; denying 45 Motion for Leave to File; denying 46 Motion to Consolidate Cases; granting 24 Motion for Summary Judgment. The clerk of court is directed to enter judgment in favor of defendants and close this case. Signed by District Judge Barbara B. Crabb on 5/5/2017. (jef),(ps) (Entered: 05/05/2017)
05/05/2017	49	JUDGMENT entered in favor of Defendants Enid Glenn, Nicholas Lampone, Delori Newton, State of Wisconsin, Department of Workforce Development, Division of Vocational Rehabilitation dismissing this case. Signed by Peter A. Oppeneer, Clerk of Court on 5/5/2017. (jef),(ps) (Entered: 05/05/2017)
08/11/2017	50	NOTICE OF APPEAL and Motion for Extension of Time by Plaintiff Patricia Williams as to 49 Judgment, 48 Order. In forma pauperis pending. No Docketing Statement filed. (Attachments: # 1 Envelope) (elc),(ps) (Entered: 08/11/2017)
08/11/2017	51	Appeal Information Packet. (elc),(ps) (Entered: 08/11/2017)