

APPEAL, CLASS_ACTION, CLOSED, EJT,

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:16-cv-00532-jdp**

Robbins, Joe v. Svehla, Scott et al
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 17:101 Copyright Infringement

Date Filed: 07/28/2016
Date Terminated: 11/22/2016
Jury Demand: Both
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff**Joe Robbins**

represented by **Kevin Patrick McCulloch**
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V.

Defendant**Scott Svehla**

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Defendant**Scott's Brewery Collectibles, LLC**represented by **Gregory T. Everts**
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V.

Intervenor Defendant**West Bend Mutual Insurance Company**

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Intervenor Defendant**Owners Insurance Company**

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Counter Claimant**Scott's Brewery Collectibles, LLC**

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V.

Counter Defendant**West Bend Mutual Insurance Company**

represented by **Rick J. Mundt**
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LEAD ATTORNEY
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Daniel John Cunningham

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/28/2016	1	COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number 0758-1854641.), filed by All Plaintiffs. (Attachments: # 1 Report on Filing Copyright Action, # 2 JS-44 Civil Cover Sheet, # 3 Summons Martin, # 4 Summons Miller, # 5 Summons Pharma Station, # 6 Summons Scott's Brewery, # 7 Summons Sports-4-Less, # 8 Summons Svehla) (McCulloch, Kevin) Modified on 7/29/2016. (lak) (Entered: 07/28/2016)
07/28/2016		Case non-randomly assigned to District Judge James D. Peterson and Magistrate Judge Stephen L. Crocker. Related to 15-cv-379-jdp. (voc) (Entered: 07/28/2016)
07/28/2016		Standard attachments for Judge James D. Peterson required to be served on all parties with summons or waiver of service: NORTC, Corporate Disclosure Statement . (voc) (Entered: 07/28/2016)
07/28/2016	2	Summons Issued as to Nicholas Martin, Jerry Miller, Pharmacy Station, Inc., Scott's Brewery Collectibles, LLC, Sports-4-Less, Scott Svehla. (Attachments: # 1 Summons Scott's Brewery, # 2 Summons Martin, # 3 Summons Sports-4-Less, # 4 Summons Pharmacy Station, # 5 Summons Miller) (voc) (Entered: 07/28/2016)
07/28/2016	3	Report on Filing of Copyright Action. Copy mailed to Copyright Office. (voc) (Entered: 07/28/2016)
08/26/2016	4	AMENDED COMPLAINT against All Defendants, filed by All Plaintiffs. (McCulloch, Kevin) (Entered: 08/26/2016)
09/08/2016	5	Affidavit of Service by Plaintiff. Jerry Miller served on 8/30/2016, answer due 9/20/2016. (McCulloch, Kevin) Modified on 9/9/2016: Jerry Miller termed per Amended Complaint. Gerald Miller added. (lak) (Entered: 09/08/2016)
09/08/2016	6	Affidavit of Service by Plaintiff. Nicholas Martin served on 8/31/2016, answer due 9/21/2016. (McCulloch, Kevin) (Entered: 09/08/2016)
09/08/2016	7	Affidavit of Service by Plaintiff. Scott's Brewery Collectibles, LLC served on 8/30/2016, answer due 9/20/2016. (McCulloch, Kevin) (Entered: 09/08/2016)
09/13/2016	8	Affidavit of Service by Plaintiff. Pharmacy Station, Inc. served on 9/1/2016, answer due 9/22/2016. (McCulloch, Kevin) (Entered: 09/13/2016)
09/19/2016	9	Notice of Appearance filed by James C. Ratzel for Defendant Pharmacy Station, Inc. (Ratzel, James) (Entered: 09/19/2016)

09/19/2016	10	ANSWER to Amended Complaint <i>Affirmative Defenses and Answer to all Claims, Counterclaims and Cross Claims</i> by Defendant Pharmacy Station, Inc. (Ratzel, James) (Entered: 09/19/2016)
09/19/2016	11	Corporate Disclosure Statement by Defendant Pharmacy Station, Inc. (Ratzel, James) (Entered: 09/19/2016)
09/20/2016	12	MOTION TO DISMISS by Defendants Nicholas Martin, Gerald Miller, Sports-4-Less. Brief in Opposition due 10/11/2016. Brief in Reply due 10/21/2016. (Fredrickson, John) (Entered: 09/20/2016)
09/20/2016	13	Brief in Support of 12 Motion to Dismiss by Defendants Nicholas Martin, Gerald Miller, Sports-4-Less, (Attachments: # 1 Exhibit 1 - Report on Filing an Action Regarding a Copyright) (Fredrickson, John) Modified on 9/21/2016. (lak) (Entered: 09/20/2016)
09/20/2016	14	Declaration of John P. Fredrickson filed by Defendants Nicholas Martin, Gerald Miller, Sports-4-Less re: 12 Motion to Dismiss, (Attachments: # 1 Exhibit A - Fredrickson-McCulloch Email Exchange) (Fredrickson, John) Modified on 9/21/2016. (lak) (Entered: 09/20/2016)
09/20/2016	15	MOTION TO DISMISS by Defendants Scott's Brewery Collectibles, LLC, Scott Svehla. Brief in Opposition due 10/11/2016. Brief in Reply due 10/21/2016. (Everts, Gregory) (Entered: 09/20/2016)
09/20/2016	16	Brief in Support of 15 Motion to Dismiss by Defendants Scott's Brewery Collectibles, LLC, Scott Svehla. (Everts, Gregory) (Entered: 09/20/2016)
09/20/2016	17	Declaration of Gregory T. Everts filed by Defendants Scott's Brewery Collectibles, LLC, Scott Svehla re: 15 Motion to Dismiss, (Attachments: # 1 Exhibit A - Copyright Search, # 2 Exhibit B - Joe Robbins Copyright Search) (Everts, Gregory) (Entered: 09/20/2016)
09/20/2016	18	Brief in Opposition by Plaintiff Joe Robbins re: 15 Motion to Dismiss filed by Scott Svehla, Scott's Brewery Collectibles, LLC, 12 Motion to Dismiss filed by Nicholas Martin, Sports-4-Less, Gerald Miller. (McCulloch, Kevin) (Entered: 09/20/2016)
09/27/2016	19	Motion to Amend Briefing Schedule <i>re: Dkt. Nos. 12 & 15</i> by Plaintiff Joe Robbins. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 10/4/2016. (McCulloch, Kevin) (Entered: 09/27/2016)
09/27/2016	20	** TEXT ONLY ORDER ** On September 20, 2016, two sets of defendants filed two motions to dismiss, dks. 12 & 15 . The court computer automatically calendared a 21 day/10 day response/reply briefing schedule, but plaintiff filed his response less than two hours later on September 20, 2016. See dkt. 18 . A week later, on September 27, 2016, plaintiff filed a motion (dkt. 19) to clarify or amend the briefing schedule to reflect that, in light of plaintiff's quick response, defendants' reply deadline also had moved forward commensurately. That certainly would comport with the intent of the court's calendaring formula, but the computer actually assigned a calendar date to the reply. That said, now that plaintiff has flagged this issue for the court, the court will speed

		things up, but not to the extent advocated by plaintiff. Defendants' reply deadline is pushed forward to October 7, 2016. Not as fast as plaintiff wants, but still a two-week savings. Brief in Reply due 10/7/2016. Signed by Magistrate Judge Stephen L. Crocker on 9/27/2016. (voc) (Entered: 09/27/2016)
10/04/2016	21	Motion to Intervene by Intervenor Defendant West Bend Mutual Insurance Company. (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	22	Brief in Support of 21 Motion to Intervene by Intervenor Defendant West Bend Mutual Insurance Company. (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	23	Intervenor COMPLAINT, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit A - Letter to Scott Svehla, # 2 Exhibit B - Certified Policy BOA 1006571 01, # 3 Exhibit C - Certified Policy BOA 1006571 03 (1 of 4), # 4 Exhibit C - Certified Policy BOA 1006571 03 (2 of 4), # 5 Exhibit C - Certified Policy BOA 1006571 03 (3 of 4), # 6 Exhibit C - Certified Policy BOA 1006571 03 (4 of 4)) (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	24	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit D - Certified Policy BOA 1006571 04 (1 of 4), # 2 Exhibit D - Certified Policy BOA 1006571 04 (2 of 4), # 3 Exhibit D - Certified Policy BOA 1006571 04 (3 of 4), # 4 Exhibit D - Certified Policy BOA 1006571 04 (4 of 4), # 5 Exhibit E - Certified Policy BOA 1006571 05 (1 of 3), # 6 Exhibit E - Certified Policy BOA 1006571 05 (2 of 3), # 7 Exhibit E - Certified Policy BOA 1006571 05 (3 of 3)) (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	25	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit F - Certified Policy BOA 1006571 06 (1 of 3), # 2 Exhibit F - Certified Policy BOA 1006571 06 (2 of 3), # 3 Exhibit F - Certified Policy BOA 1006571 06 (3 of 3), # 4 Exhibit G - Certified Policy BOA 1006571 07 (1 of 3), # 5 Exhibit G - Certified Policy BOA 1006571 07 (2 of 3), # 6 Exhibit G - Certified Policy BOA 1006571 07 (3 of 3)) (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	26	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit H - Certified Policy BOA 1006571 08 (1 of 2), # 2 Exhibit H - Certified Policy BOA 1006571 08 (2 of 2), # 3 Exhibit I - Certified Policy BOA 1006571 09 (1 of 3), # 4 Exhibit I - Certified Policy BOA 1006571 09 (2 of 3), # 5 Exhibit I - Certified Policy BOA 1006571 09 (3 of 3)) (Mundt, Rick) (Entered: 10/04/2016)

10/04/2016	27	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit J - Certified Policy BOA 1006571 10 (1 of 3), # 2 Exhibit J - Certified Policy BOA 1006571 10 (2 of 3), # 3 Exhibit J - Certified Policy BOA 1006571 10 (3 of 3), # 4 Exhibit K - Certified Policy CUA 1006295 01) (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	28	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company, (Attachments: # 1 Exhibit L - Certified Policy CUA 1006295 02, # 2 Exhibit M - Certified Policy CUA 1006295 03, # 3 Exhibit N - Certified Policy CUA 1006295 04) (Mundt, Rick) (Entered: 10/04/2016)
10/04/2016	29	Exhibit to 23 Intervenor Complaint, filed by West Bend Mutual Insurance Company (Attachments: # 1 Exhibit O - Certified Policy CUA 1006295 05, # 2 Exhibit P - Certified Policy CUA 1006295 06) (Mundt, Rick) (Entered: 10/04/2016)
10/05/2016	30	Motion to Admit Daniel John Cunningham Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1893903.) by Intervenor Defendant West Bend Mutual Insurance Company. Motions referred to Magistrate Judge Stephen L. Crocker. (Cunningham, Daniel) (Entered: 10/05/2016)
10/05/2016	31	** TEXT ONLY ORDER ** ORDER granting 30 Motion to Admit Daniel John Cunningham Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 10/5/2016. (lak) (Entered: 10/05/2016)
10/05/2016	32	** TEXT ONLY ORDER ** West Bend Mutual Insurance Company's motion to intervene, Dkt. 21 , is GRANTED, and its proposed intervenor complaint,Dkt. 23 , is accepted. The forthcoming pretrial scheduling order will set a separate, earlier summary judgment deadline for the coverage issue. Signed by District Judge James D. Peterson on 10/5/2016. (voc) (Entered: 10/05/2016)
10/07/2016	33	Disregard. See 35 . Modified on 10/11/2016. (lak) (Entered: 10/07/2016)
10/07/2016	34	Brief in Reply by Defendants Nicholas Martin, Gerald Miller in Support of 12 Motion to Dismiss. (Fredrickson, John) (Entered: 10/07/2016)
10/10/2016	35	Brief in Reply by Defendant Scott's Brewery Collectibles, LLC in Support of 15 Motion to Dismiss. (Everts, Gregory) (Entered: 10/10/2016)
10/11/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 11/8/2016 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] (voc) (Entered: 10/11/2016)

10/17/2016	36	Motion to Intervene by Intervenor Defendant Owners Insurance Company. Response due 10/24/2016. (Graff, Ryan) (Entered: 10/17/2016)
10/17/2016	37	Brief in Support of 36 Motion to Intervene by Intervenor Defendant Owners Insurance Company. (Graff, Ryan) (Entered: 10/17/2016)
10/17/2016	38	Disregard. See 41 . Modified on 10/18/2016. (lak) (Entered: 10/17/2016)
10/17/2016	39	Notice of Appearance filed by Ryan Ray Graff for Intervenor Defendant Owners Insurance Company. (Graff, Ryan) (Entered: 10/17/2016)
10/17/2016	40	ANSWER to Amended Complaint, CROSSCLAIM against All Defendants, COUNTERCLAIM against Joe Robbins by Intervenor Defendant Owners Insurance Company. (Graff, Ryan). Modified on 10/19/2016: See Text Only Order 43. (lak) (Entered: 10/17/2016)
10/17/2016	41	Affidavit of Ryan R. Graff filed by Intervenor Defendant Owners Insurance Company re: 36 Motion to Intervene, (Attachments: # 1 Exhibit A - Businessowners policy 2013-2014 (1 of 2), # 2 Exhibit A - Businessowners policy 2013-2014 (2 of 2), # 3 Exhibit B - Umbrella policy 2013-2014, # 4 Exhibit C - Businessowners policy 2014-2015 (1 of 2), # 5 Exhibit C - Businessowners policy 2014-2015 (2 of 2), # 6 Exhibit D - Umbrella policy 2014-2015, # 7 Exhibit E - Businessowners policy 2015-2016 (1 of 2), # 8 Exhibit E - Businessowners policy 2015-2016 (2 of 2), # 9 Exhibit F - Umbrella policy 2015-2016, # 10 Exhibit G - Businessowners policy 2016-2017 (1 of 2), # 11 Exhibit G - Businessowners policy 2016-2017 (2 of 2), # 12 Exhibit H - Umbrella policy 2016-2017) (Graff, Ryan) (Entered: 10/17/2016)
10/18/2016	42	Corporate Disclosure Statement by Intervenor Defendant Owners Insurance Company. (Graff, Ryan) Modified on 10/18/2016: Corrected docketing event. (lak) (Entered: 10/18/2016)
10/18/2016	43	** TEXT ONLY ORDER ** Owners Insurance Company's motion to intervene, Dkt. 36 , is GRANTED. But the court will STRIKE Owners' answer, crossclaim, and counterclaim, Dkt. 40 , because plaintiff did not name Owners as a defendant in his amended complaint, and Owners should not have answered it. Instead, Owners must file an intervenor complaint that clearly sets out Owners' claims by Friday, October 21, 2016. The forthcoming pretrial scheduling order will set a separate, earlier summary judgment deadline for coverage issues. Signed by District Judge James D. Peterson on 10/18/2016. (voc) (Entered: 10/18/2016)
10/21/2016	44	Intervenor COMPLAINT filed by Owners Insurance Company. (Graff, Ryan) (Entered: 10/21/2016)
10/25/2016	45	Notice by Plaintiff Joe Robbins re: <i>Legends of the Field</i> . (Kleinman, Nathaniel) (Entered: 10/25/2016)

10/26/2016	46	ANSWER to Intervenor Complaint, COUNTERCLAIM against West Bend Mutual Insurance Company by Defendant Scott's Brewery Collectibles, LLC. (Everts, Gregory) Modified on 10/26/2016. (lak) (Entered: 10/26/2016)
10/26/2016	47	ANSWER by Plaintiff Joe Robbins. (McCulloch, Kevin) (Entered: 10/26/2016)
11/01/2016	48	Corporate Disclosure Statement by Defendant Scott's Brewery Collectibles, LLC. (Everts, Gregory) (Entered: 11/01/2016)
11/02/2016	49	Joint Preliminary Pretrial Conference Report by Plaintiff Joe Robbins. (McCulloch, Kevin) (Entered: 11/02/2016)
11/04/2016	50	ANSWER to Intervenor Complaint by Defendant Pharmacy Station, Inc. (Ratzel, James) (Entered: 11/04/2016)
11/07/2016	51	ANSWER to Intervenor Complaint by Plaintiff Joe Robbins. (McCulloch, Kevin) (Entered: 11/07/2016)
11/08/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 11/8/2016 [:25] (cak) (Entered: 11/08/2016)
11/08/2016	52	Corporate Disclosure Statement by Intervenor Defendant West Bend Mutual Insurance Company. (Mundt, Rick) (Entered: 11/08/2016)
11/08/2016	53	Reply to Counterclaim by Intervenor Defendant West Bend Mutual Insurance Company. (Mundt, Rick) (Entered: 11/08/2016)
11/09/2016	54	Corporate Disclosure Statement by Intervenor Defendant Owners Insurance Company. (Graff, Ryan) (Entered: 11/09/2016)
11/10/2016	55	Standing Order Relating to the Discovery of Electronically Stored Information in a Complex Civil Lawsuit. Signed by Magistrate Judge Stephen L. Crocker on 11/10/2016. (voc) (Entered: 11/10/2016)
11/11/2016	56	Waiver of Service Returned Executed by Defendant Scott Svehla. Scott Svehla waiver sent on 10/26/2016, answer due 12/27/2016. (McCulloch, Kevin) (Entered: 11/11/2016)
11/15/2016	57	Pretrial Conference Order - Motion to Certify Class under Rule 23 due 7/31/2017. Dispositive Motions due 1/29/2018. Settlement Letters due 6/1/2018. Motions in Limine due 6/15/2018. Response to Motion due 6/29/2018. Final Pretrial Conference set for 7/18/2018 at 04:00 PM. Jury Selection and Trial set for 7/30/2018 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 11/15/16. (voc) (Entered: 11/15/2016)
11/22/2016	58	Rule 26 Initial Disclosure Report by Defendant Pharmacy Station, Inc. (Ratzel, James) (Entered: 11/22/2016)
11/22/2016	59	ORDER granting 12 Motion to Dismiss by Defendants Nicholas Martin, Gerald Miller and Sports-4-Less; granting 15 Motion to Dismiss by Defendants Scott's Brewery Collectibles and LLC, Scott Svehla and Dismissing plaintiff's case without prejudice. Signed by District Judge James D. Peterson on 11/22/2016. (jls) Modified on 11/29/2016 (voc). (Entered: 11/22/2016)

11/22/2016	60	JUDGMENT entered in favor of Defendants Nicholas Martin, Gerald Miller, Pharmacy Station, Inc., Scott's Brewery Collectibles, LLC, Sports-4-Less, and Scott Svehla dismissing the case. (jls) (Entered: 11/22/2016)
11/23/2016	61	Report on Filing of Copyright Action. Copy mailed to Copyright Office. (Attachments: # 1 Opinion & Order, # 2 Judgment) (jls) (Entered: 11/23/2016)
12/14/2016	62	NOTICE OF APPEAL by Plaintiff Joe Robbins as to 59 Order on Motion to Dismiss, 60 Judgment. Filing fee of \$ 505, receipt number 0758-1934953 paid. Docketing Statement filed. (Attachments: # 1 Docketing Statement) (McCulloch, Kevin) (Entered: 12/14/2016)
12/15/2016	63	Appeal Information Packet. (lak) (Entered: 12/15/2016)