

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:16-cv-00539-wmc**

The John K. MacIver Institute for Public Policy, Inc. v. Schmitz, Francis
et al

Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 18:1030 Computer Fraud and Abuse Act

Date Filed: 08/01/2016
Date Terminated: 03/20/2017
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

**The John K. MacIver Institute for Public
Policy, Inc.**

represented by **Edward Dean Greim**
Graves Garrett, LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
816-256-3181
Email: edgreim@gravesgarrett.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dane Martin
Graves Garrett, LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
816-256-3181
Email: DMartin@gravesgarrett.com
ATTORNEY TO BE NOTICED

John Benton Hurst
Graves Garrett, LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
816-256-3181
Email: BHurst@gravesgarrett.com
ATTORNEY TO BE NOTICED

Todd Graves
Graves Garrett, LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
816-256-3181
Email: TGraves@gravesgarrett.com
ATTORNEY TO BE NOTICED

V.

Defendant

Francis D. Schmitz

represented by **Michael P. Russart**
Hinshaw & Culbertson, LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4115
414-225-4803
Fax: 414-276-9220
Email: mrussart@hinshawlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
Hinshaw & Culbertson LLP
100 East Wisconsin Avenue, Suite 2600
Milwaukee, WI 53202
414-276-6464
Fax: 414-276-9220
Email: jfertl@hinshawlaw.com
ATTORNEY TO BE NOTICED

Joel David Bertocchi
Hinshaw & Culbertson
222 N LaSalle St, Ste 300
Chicago, IL 60601
312-704-3000
Fax: 312-704-3001
Email: jbortocchi@hinshawlaw.com
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
Hinshaw & Culbertson LLP
100 East Wisconsin Avenue, Suite 2600
Milwaukee, WI 53202
414-225-4816
Fax: 414-276-9220
Email: tkuzmanovic@hinshawlaw.com
ATTORNEY TO BE NOTICED

Defendant

John Chisholm

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi

(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Bruce Landgraf

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi
(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David Robles

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi
(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kevin J. Kennedy

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi
(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Shane W. Falk

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi
(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jonathan Becker

represented by **Michael P. Russart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Fertl
(See above for address)
ATTORNEY TO BE NOTICED

Joel David Bertocchi
(See above for address)
ATTORNEY TO BE NOTICED

Tomislav Z. Kuzmanovic
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robert Stelter

represented by **Douglas S. Knott**
Leib Knott Gaynor, LLC
219 N. Milwaukee Street, Suite 710
Milwaukee, WI 53202
414-276-2102
Fax: 414-276-2140

Email: dknott@lkglaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Leib
Leib Knott Gaynor, LLC
219 N. Milwaukee Street, Suite 710
Milwaukee, WI 53202
414-276-2102
Email: sleib@lkglaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brent Adam Simerson
Leib Knott Gaynor, LLC
219 N. Milwaukee Street, Suite 710
Milwaukee, WI 53202
414-276-2102
Fax: 414-276-2140
Email: bsimerson@lkglaw.net
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/01/2016	1	COMPLAINT (<i>Class Action Complaint</i>) against All Defendants. (Filing fee \$ 400 receipt number 0758-1857001.), filed by All Plaintiffs. (Attachments: # 1 JS-44 Civil Cover Sheet, # 2 Exhibit A - Teleconference Meeting Minutes, # 3 Exhibit B - Memorandum Dated 5/21-22/2014, # 4 Exhibit C - E-mail Dated 7/24/2013, # 5 Exhibit D - Meeting Notes Dated 8/15/2013, # 6 Exhibit E - E-mail Dated 8/27/2013, # 7 Exhibit F - Meeting Minutes Dated 6/20/2013, # 8 Exhibit G - E-mail Dated 7/9/2013, # 9 Exhibit H - Declaration Dated 4/15/2014, # 10 Exhibit I - Letter Dated 8/21/2013, # 11 Exhibit J - Agreement, # 12 Exhibit K - Letter Dated 12/28/2015, # 13 Exhibit L - Letter Dated 1/4/2016, # 14 Exhibit M - E-mail Dated 10/25/2013, # 15 Schmitz Summons, # 16 Robles Summons, # 17 Landgraf Summons, # 18 Kennedy Summons, # 19 Summons Falk Summons, # 20 Chisholm Summons, # 21 Becker Summons) (Greim, Edward) Modified on 8/2/2016: Added exhibit descriptions, etc.; e-mail to counsel. (lak) (Entered: 08/01/2016)
08/01/2016	2	Corporate Disclosure Statement by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 08/01/2016)

08/01/2016	3	Motion to Admit Edward Greim Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1857032.) by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 08/01/2016)
08/02/2016	4	** TEXT ONLY ORDER ** ORDER granting 3 Motion to Admit Edward Greim Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/2/2016. (lak) (Entered: 08/02/2016)
08/02/2016		Case randomly assigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (kwf) (Entered: 08/02/2016)
08/02/2016		Standard attachments for District Judge William M. Conley required to be served on all parties with summons or waiver of service: NORTC , Corporate Disclosure Statement . (kwf) (Entered: 08/02/2016)
08/02/2016	5	Summons Issued as to Francis D. Schmitz, (Attachments: # 1 Summons Issued as to John Chisholm, # 2 Summons Issued as to Bruce Landgraf, # 3 Summons Issued as to David Robles, # 4 Summons Issued as to Kevin J. Kennedy, # 5 Summons Issued as to Shane W. Falk, # 6 Summons Issued as to Jonathan Becker) (kwf) (Entered: 08/02/2016)
08/02/2016	6	Motion to Admit John Benton Hurst Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1858149.) by Plaintiff The John K. MacIver Institute for Public Policy, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Hurst, John) (Entered: 08/02/2016)
08/02/2016	7	Motion to Admit Dane Martin Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1858176.) by Plaintiff The John K. MacIver Institute for Public Policy, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Martin, Dane) (Entered: 08/02/2016)
08/03/2016	8	** TEXT ONLY ORDER ** ORDER granting 6 Motion to Admit John Benton Hurst Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/3/2016. (lak) (Entered: 08/03/2016)
08/03/2016	9	** TEXT ONLY ORDER ** ORDER granting 7 Motion to Admit Dane Martin Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/3/2016. (lak) (Entered: 08/03/2016)
08/03/2016	10	AMENDED COMPLAINT (<i>First Amended Class Action Complaint</i>) against All Defendants, filed by All Plaintiffs, (Attachments: # 1 Exhibit A - 2013-10-02 GAB Closed Session Minutes, # 2 Exhibit B - 2014-05-21 Kennedy Memo, Redacted, # 3 Exhibit C - 2013-07-24 Action Items Update, Redacted, # 4 Exhibit D - 2013-08-15 Investigation Planning Meeting Notes, Redacted, # 5 Exhibit E - 2013-08-26 Investigation Status Update, Redacted, # 6 Exhibit F - 2013-06-20 GAB Closed Session Minutes, Redacted, # 7 Exhibit G - 2013-07-02 Badger John Doe Meeting Notes, Redacted, # 8 Exhibit H - 2014-04-15 Francis Schmitz Declaration, Redacted, # 9 Exhibit I - 2013-08-21 Letter Seeking Appointment of Spec. Pros., Redacted, # 10 Exhibit J - 2013-08-17 Schmitz Agreement with GAB, # 11 Exhibit K - 2015-12-28 Notice to MacIver Institute, # 12 Exhibit L - 2016-01-04 Schmitz Statement of Compliance, Redacted, # 13 Exhibit M - 2013-10-25 Stelter Email re: emails, Redacted, # 14 Exhibit N - 2013-09-28 Schmitz Email re: Stelter Affidavits, # 15 Summons - Falk,

		<p># 16 Summons - Kennedy, # 17 Summons - Becker, # 18 Summons - Chisholm, # 19 Summons - Landgraf, # 20 Summons - Robles, # 21 Summons - Schmitz, # 22 Summons - Stelter) (Greim, Edward) Modified on 8/4/2016: Removed duplicate text, etc. (lak) (Entered: 08/03/2016)</p>
08/04/2016	11	<p>Summons Issued as to Robert Stelter, (Attachments: # 1 Summons Reissued as to Francis D. Schmitz, # 2 Summons Reissued as to John Chisholm, # 3 Summons Reissued as to Bruce Landgraf, # 4 Summons Reissued as to David Robles, # 5 Summons Reissued as to Kevin J. Kennedy, # 6 Summons Reissued as to Shane W. Falk, # 7 Summons Reissued as to Jonathan Becker) (kwf) (Entered: 08/04/2016)</p>
08/08/2016	12	<p>Motion to Admit Todd Graves Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1861096.) by Plaintiff The John K. MacIver Institute for Public Policy, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Graves, Todd) (Entered: 08/08/2016)</p>
08/09/2016	13	<p>** TEXT ONLY ORDER ** ORDER granting 12 Motion to Admit Todd Graves Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/9/2016. (kwf) (Entered: 08/09/2016)</p>
09/14/2016	14	<p>Waiver of Service Returned Executed by Defendant Francis D. Schmitz. Francis D. Schmitz waiver sent on 8/30/2016, answer due 10/31/2016. (Greim, Edward) (Entered: 09/14/2016)</p>
09/14/2016	15	<p>Affidavit of Service by Plaintiff. Jonathan Becker served on 8/19/2016, answer due 9/9/2016; John Chisholm served on 8/18/2016, answer due 9/8/2016; Shane W. Falk served on 8/19/2016, answer due 9/9/2016; Kevin J. Kennedy served on 8/22/2016, answer due 9/12/2016; Bruce Landgraf served on 8/17/2016, answer due 9/7/2016; David Robles served on 8/18/2016, answer due 9/8/2016; Robert Stelter served on 8/18/2016, answer due 9/8/2016. (Greim, Edward) (Entered: 09/14/2016)</p>
09/27/2016	16	<p>Notice of Appearance filed by Michael P. Russart for Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Russart, Michael) (Entered: 09/27/2016)</p>
09/27/2016	17	<p>Motion for Extension of Time to File Answer <i>Or Otherwise Plead</i> by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 10/4/2016. (Russart, Michael) (Entered: 09/27/2016)</p>
09/27/2016	18	<p>Affidavit of Michael P. Russart filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz <i>in Support</i> re: 17 Motion for Extension of Time to File Answer, (Attachments: # 1 Exhibit A - 9/1/16 Letter) (Russart, Michael) Modified on 9/27/2016. (lak) (Entered: 09/27/2016)</p>
09/27/2016	19	<p>Notice of Appearance filed by Jeffrey S. Fertl for Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Fertl, Jeffrey) (Entered: 09/27/2016)</p>

09/28/2016	20	Notice of Appearance filed by Douglas S. Knott for Defendant Robert Stelter. (Knott, Douglas) (Entered: 09/28/2016)
09/28/2016	21	Motion for Extension of Time to File Answer by Defendant Robert Stelter. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 10/5/2016. (Knott, Douglas) (Entered: 09/28/2016)
09/28/2016	22	Declaration of Douglas S. Knott filed by Defendant Robert Stelter re: 21 Motion for Extension of Time to File Answer, (Attachments: # 1 Exhibit 1 - Email Communication, # 2 Exhibit 2 - Proposed Answer to Amended Complaint) (Knott, Douglas) (Entered: 09/28/2016)
10/04/2016	23	Brief in Opposition by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 17 Motion for Extension of Time to File Answer, filed by David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy, 21 Motion for Extension of Time to File Answer filed by Robert Stelter. (Greim, Edward) (Entered: 10/04/2016)
10/04/2016	24	Disregard. See 25 . Modified on 10/5/2016. (lak) (Entered: 10/04/2016)
10/05/2016	25	Declaration of Edward D. Greim filed by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 21 Motion for Extension of Time to File Answer, 17 Motion for Extension of Time to File Answer, (Attachments: # 1 Exhibit A - 2016-08-30 Email Correspondence, # 2 Exhibit B - 2016-09-01 Agreement, # 3 Exhibit C - 2016-09-02 Email Correspondence, # 4 Exhibit D - 2013-08-21 Secrecy Order, # 5 Exhibit E - 2012-09-05 Secrecy Order, # 6 Exhibit F - 2014-01-27 Petition for Addendum to Secrecy Order, # 7 Exhibit G - 2016-09-09 Letter EDG to Russart, Leib, # 8 Exhibit H - 2016-09-28 Email EDG to Russart, Knott, # 9 Exhibit I - 2014-01-28 Addendum to Secrecy Order, # 10 Exhibit J - 2015-07-10 Use and Dissemination Order) (Greim, Edward) (Entered: 10/05/2016)
10/11/2016	26	Brief in Reply by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz in Support of 17 Motion for Extension of Time to File Answer <i>or Otherwise Plead</i> , (Attachments: # 1 Certificate of Service) (Russart, Michael) Modified on 10/12/2016: Corrected docketing event; e-mail to counsel. (lak) (Entered: 10/11/2016)
10/11/2016	27	Supplemental Affidavit of Michael P. Russart filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 17 Motion for Extension of Time to File Answer, (Attachments: # 1 Exhibit B - Counts I-V of Archer's Amended Complaint) (Russart, Michael) (Entered: 10/11/2016)
10/12/2016	28	Brief in Reply by Defendant Robert Stelter in Support of 21 Motion for Extension of Time to File Answer. (Knott, Douglas) (Entered: 10/12/2016)
10/12/2016	29	Supplemental Declaration of Douglas S. Knott filed by Defendant Robert Stelter re: 21 Motion for Extension of Time to File Answer, (Attachments: # 1 Exhibit 1 - Use and Dissemination Order by Judge Peterson, # 2 Exhibit 2 - Use and Dissemination Order by Judge Nettlesheim) (Knott, Douglas) (Entered: 10/12/2016)
10/12/2016	30	Notice of Appearance filed by Joel David Bertocchi for Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz.

		(Bertocchi, Joel) (Entered: 10/12/2016)
10/27/2016	31	Notice of Appearance filed by Samuel J. Leib for Defendant Robert Stelter. (Leib, Samuel) (Entered: 10/27/2016)
10/28/2016	32	Emergency Motion to Preserve Evidence by Defendant Robert Stelter. Response due 11/4/2016. (Knott, Douglas) (Entered: 10/28/2016)
10/28/2016	33	Motion to Seal Document by Defendant Robert Stelter. Motions referred to Magistrate Judge Stephen L. Crocker. (Knott, Douglas) (Entered: 10/28/2016)
10/28/2016	34	Brief in Support of 32 Emergency Motion to Preserve Evidence by Defendant Robert Stelter. (Sealed Document) (Knott, Douglas) Modified on 10/28/2016. (lak) (Entered: 10/28/2016)
10/28/2016	35	Redaction to 34 Brief in Support of <i>Emergency Motion to Preserve Evidence</i> by Defendant Robert Stelter. (Knott, Douglas) (Entered: 10/28/2016)
10/28/2016	36	Disregard. See 37 . (Sealed Document) Modified on 10/28/2016. (lak) (Entered: 10/28/2016)
10/28/2016	37	Corrected Declaration of Douglas S. Knott filed by Defendant Robert Stelter re: 32 Emergency Motion to Preserve Evidence, (Sealed Document) (Attachments: # 1 Exhibit 1 - Stelter Petition to Intervene, # 2 Exhibit 2 - WSC Order Denying Stelter Petition to Intervene, # 3 Exhibit 3 - WSC Order Denying Prosecutor Motion to Intervene, # 4 Exhibit 4 - WSC Decision Denying Reconsideration Motion, # 5 Exhibit 5 - Unnamed Movants Brief) (Knott, Douglas) Modified on 10/28/2016. (lak) (Entered: 10/28/2016)
10/28/2016	38	Redaction to 37 Declaration, by Defendant Robert Stelter (Attachments: # 1 Exhibit 1 - Stelter Petition to Intervene, # 2 Exhibit 2 - WSC Order Denying Stelter Petition to Intervene, # 3 Exhibit 3 - WSC Order Denying Prosecutor Motion to Intervene, # 4 Exhibit 4 - WSC Decision Denying Reconsideration Motion, # 5 Exhibit 5 - Unnamed Movants Brief) (Knott, Douglas) (Entered: 10/28/2016)
10/28/2016	39	Declaration of Robert Stelter filed by Defendant Robert Stelter re: 32 Emergency Motion to Preserve Evidence. (Knott, Douglas) Modified on 10/28/2016. (lak) (Entered: 10/28/2016)
10/28/2016	40	Notice of Appearance filed by Tomislav Z. Kuzmanovic for Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Kuzmanovic, Tomislav) (Entered: 10/28/2016)
10/28/2016	41	Emergency Motion for Order of Preservation of John Doe II Materials by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Response due 11/4/2016. (Kuzmanovic, Tomislav) (Entered: 10/28/2016)
10/28/2016	42	Brief in Support of 41 Emergency Motion for Order of Preservation of John Doe II Materials by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	43	Declaration of Tomislav Z. Kuzmanovic filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials, (Attachments: # 1 Exhibit 1 - January 12, 2016 Order of the Wisconsin Supreme Court, # 2 Exhibit 2 - Judge Adelman's Decision and Order in Archer v Chisholm) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)

10/28/2016	44	Motion to Seal <i>Declarations of Francis Schmitz, Bruce Landgraf, David Robles, Kevin Kennedy and Jonathan Becker</i> by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Motions referred to Magistrate Judge Stephen L. Crocker. (Kuzmanovic, Tomislav) (Entered: 10/28/2016)
10/28/2016	45	Declaration of Kevin Kennedy filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials. (<u>Sealed Document</u>) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	46	Declaration of Jonathan Becker filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials. (<u>Sealed Document</u>) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	47	Declaration of David Robles filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials. (<u>Sealed Document</u>) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	48	Declaration of Francis D. Schmitz filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials. (<u>Sealed Document</u>) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	49	Declaration of Bruce J. Landgraf filed by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz re: 41 Emergency Motion for Order of Preservation of John Doe II Materials. (<u>Sealed Document</u>) (Kuzmanovic, Tomislav) Modified on 10/30/2016. (lak) (Entered: 10/28/2016)
10/28/2016	50	** TEXT ONLY ORDER ** The court is in receipt of defendant Robert Stelter's emergency motion to preserve evidence. (Dkt. #32.) Plaintiff may have until Monday, October 31, 2016, to respond to the motion. The court will hold a telephonic conference at 2:00 p.m. on Tuesday, November 1, 2016. Defendant to initiate the call to Chambers at 608-264-5087. Signed by District Judge William M. Conley on 10/28/2016. (bgw) (Entered: 10/28/2016)
10/31/2016		Set Deadlines and Hearings re: 32 Emergency Motion to Preserve Evidence, 41 Emergency Motion for Order of Preservation of John Doe II Materials. Response due 10/31/2016. Telephone Motion Hearing set for 11/1/2016 at 2:00 PM before District Judge William M. Conley. Counsel for Defendant responsible for setting up the call to chambers at (608) 264-5087. (kwf) (Entered: 10/31/2016)
10/31/2016	51	** TEXT ONLY ORDER ** ORDER granting 33 Motion to Seal; granting 44 Motion to Seal Declarations of Francis Schmitz, Bruce Landgraf, David Robles, Kevin Kennedy and Jonathan Becker. Signed by Magistrate Judge Stephen L. Crocker on 10/31/2016. (kwf) (Entered: 10/31/2016)
10/31/2016	52	Motion to Seal by Plaintiff The John K. MacIver Institute for Public Policy, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Greim, Edward) (Entered: 10/31/2016)
10/31/2016	53	Brief in Opposition by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 41 Emergency Motion for Order of Preservation of John Doe II Materials, filed by David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy, 32 Emergency Motion to Preserve Evidence filed by Robert Stelter. (<u>Sealed Document</u>) (Greim, Edward) Modified on 11/1/2016. (lak) (Entered: 10/31/2016)

10/31/2016	54	Declaration of Edward D. Greim filed by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 41 Emergency Motion for Order of Preservation of John Doe II Materials, 32 Emergency Motion to Preserve Evidence, (Sealed Document) (Attachments: # 1 Exhibit A - Summons and Complaint Filed in Case 2:15-cv-922, Eastern District of Wisconsin, Archer v. Chisholm, # 2 Exhibit B - E-mail Correspondence) (Greim, Edward) Modified on 11/1/2016. (lak) (Entered: 10/31/2016)
11/01/2016	55	** TEXT ONLY ORDER ** ORDER granting 52 Motion to Seal. Signed by Magistrate Judge Stephen L. Crocker on 11/1/2016. (kwf) (Entered: 11/01/2016)
11/01/2016	56	Redaction to 54 Declaration of <i>Edward Greim</i> by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Attachments: # 1 Exhibit A - Summons and Complaint Filed in Case 2:15-cv-922, Eastern District of Wisconsin, Archer v. Chisholm, # 2 Exhibit B - E-mail Correspondence) (Greim, Edward) (Entered: 11/01/2016)
11/01/2016	57	Redaction to 53 Brief in Opposition, by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 11/01/2016)
11/01/2016	58	Notice of Appearance filed by Brent Adam Simerson for Defendant Robert Stelter. (Simerson, Brent) Modified on 11/2/2016: Counsel will update contact information. (lak) (Entered: 11/01/2016)
11/01/2016	59	Notice by Plaintiff The John K. MacIver Institute for Public Policy, Inc. of <i>Correspondence to Court</i> . (Greim, Edward) (Entered: 11/01/2016)
11/01/2016		Minute Entry for proceedings held before District Judge William M. Conley: Telephone Motion Hearing held on 11/1/2016 re 32 Emergency Motion to Preserve Evidence filed by Robert Stelter, 21 & 17 Motions for Extension of Time to File Answer filed by Robert Stelter, David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy [:30] (Court Reporter JD.) (mfh) (Entered: 11/01/2016)
11/02/2016	60	ORDER on 32 Emergency Motion to Preserve Evidence, 17 Motion for Extension of Time to File Answer, 21 Motion for Extension of Time to File Answer. Defendants may have thirty days from the date of this order to file a motion to dismiss or a motion for change of venue to the U.S. District Court for the Eastern District of Wisconsin. Plaintiff will have twenty-one days to file any response, with reply from defendants due ten days thereafter. Within ten days from the date of this order, defendants shall file under seal all electronic discovery obtained under the John Doe warrants. This discovery will be maintained by the clerk of this court and remain sealed pending further order of this court or closure of this case. Signed by District Judge William M. Conley on 11/1/2016. (kwf) (Entered: 11/02/2016)
11/08/2016	61	Transcript of Telephonic Motion Hearing, held 11/1/2016 before Chief Judge William M. Conley. Court Reporter: CS. Please review the court policy regarding electronic transcripts: see Electronic Transcript Instructions and Notice of Intent to Request Redaction . (kwf) (Entered: 11/08/2016)
11/08/2016	62	Notice by Plaintiff The John K. MacIver Institute for Public Policy, Inc. <i>on Behalf of all Parties of Compliance with Order to Meet and Confer</i> . (Greim, Edward) (Entered: 11/08/2016)
11/14/2016	63	Notice by Defendant Robert Stelter of <i>Submission of a Copy of Evidence by Hand-Delivery</i> . (Sealed Document) (Knott, Douglas) (Entered: 11/14/2016)
11/14/2016	64	Exhibits to 63 Notice filed by Robert Stelter: Three (3) hard drives containing electronic discovery obtained under the John Doe warrants. (Sealed) (kwf) (Entered: 11/15/2016)

11/30/2016	65	MOTION TO DISMISS by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Brief in Opposition due 12/21/2016. Brief in Reply due 1/3/2017. (Attachments: # 1 Exhibit - First Amended Class Action Complaint with Exhibits) (Russart, Michael) Modified on 12/1/2016. (lak) (Entered: 11/30/2016)
11/30/2016	66	Brief in Support of 65 Motion to Dismiss <i>the Amended Complaint</i> by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Russart, Michael) (Entered: 11/30/2016)
11/30/2016	67	Certificate of Service by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz as to 65 MOTION TO DISMISS, 66 Brief in Support. (Russart, Michael) (Entered: 11/30/2016)
12/01/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 1/4/2017 at 1:00 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] (kwf) (Entered: 12/01/2016)
12/01/2016	68	MOTION TO DISMISS by Defendant Robert Stelter. Brief in Opposition due 12/22/2016. Brief in Reply due 1/3/2017. (Knott, Douglas) (Entered: 12/01/2016)
12/01/2016	69	Brief in Support of 68 Motion to Dismiss by Defendant Robert Stelter. (Knott, Douglas) (Additional attachment(s) added on 12/2/2016: # 1 Appendix 1 - John Doe Proceeding) (lak). (Entered: 12/01/2016)
12/01/2016	70	Certificate of Service by Defendant Robert Stelter as to 69 Brief in Support, 68 MOTION TO DISMISS. (Knott, Douglas) (Entered: 12/01/2016)
12/15/2016	71	Motion for Leave to File <i>Consolidated Brief in Response to Defendants' Motions to Dismiss</i> by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 12/15/2016)
12/16/2016	72	Motion for Extension of Time <i>to File Reply Brief</i> by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # 1 Certificate of Service) (Russart, Michael) (Entered: 12/16/2016)
12/16/2016	73	Motion to Join 72 Motion for Extension of Time <i>to File Reply Brief</i> by Defendant Robert Stelter, (Attachments: # 1 Certificate of Service) (Knott, Douglas) Modified on 12/19/2016. (lak) (Entered: 12/16/2016)
12/19/2016	74	** TEXT ONLY ORDER ** ORDER granting 72 Motion for Extension of Time to File Reply Brief; granting 73 Motion to Join. Brief in Reply due 1/13/2017. Signed by Magistrate Judge Stephen L. Crocker on 12/19/2016. (kwf) (Entered: 12/19/2016)
12/20/2016	75	** TEXT ONLY ORDER ** ORDER granting 71 Motion for Leave to File Consolidated Brief in Response to Defendants' Motions to Dismiss. Brief in Opposition due 12/22/2016. Signed by Magistrate Judge Stephen L. Crocker on 12/20/2016. (kwf) (Entered: 12/20/2016)
12/20/2016	76	Motion to Stay <i>Discovery</i> by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. Response due 12/27/2016. (Attachments: # 1 Certificate of Service) (Russart, Michael) (Entered: 12/20/2016)

12/20/2016		Reset Briefing Deadlines as to 76 Motion to Stay <i>Discovery</i> . Response due 12/30/2016. (kwf/slc) (Entered: 12/20/2016)
12/21/2016	77	Motion to Join 76 Motion to Stay <i>Discovery</i> by Defendant Robert Stelter, (Attachments: # 1 Certificate of Service) (Knott, Douglas) Modified on 12/22/2016: Removed duplicate text. (lak) (Entered: 12/21/2016)
12/22/2016	78	Brief in Opposition by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 65 Motion to Dismiss, filed by David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy, 68 Motion to Dismiss filed by Robert Stelter. (Greim, Edward) (Entered: 12/22/2016)
12/29/2016	79	Joint Report of Rule 26(f) Planning Meeting. (Greim, Edward) (Entered: 12/29/2016)
12/30/2016	80	Brief in Opposition by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 76 Motion to Stay, filed by David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy, (Attachments: # 1 Exhibit - Reply Brief of Petitioners, Chisholm v. Two Unnamed Petitioners, 137 S. Ct. 77 (2016) (No. 15-1416)) (Greim, Edward) (Entered: 12/30/2016)
01/03/2017		Reset Telephone Pretrial Conference: The Telephonic Preliminary Pretrial Conference set for 1/4/2017 at 1:00 PM is reset for 11:00 AM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (lak) (Entered: 01/03/2017)
01/04/2017		Minute Entry for proceedings held before District Judge William M. Conley: Telephone Status Conference held on 1/4/2017 [:40] (mfh) (Entered: 01/04/2017)
01/04/2017	81	ORDER on Telephone Status Conference. Signed by District Judge William M. Conley on 1/4/2017. (kwf) (Entered: 01/04/2017)
01/04/2017		Set Deadlines and Hearings re: 65 Motion to Dismiss, 68 Motion to Dismiss. Motion Hearing set for 3/22/2017 at 1:00 PM in Courtroom 250 before District Judge William M. Conley. (kwf) (Entered: 01/04/2017)
01/13/2017	82	Response re: 81 Order of January 4, 2017 by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz. (Russart, Michael) Modified on 1/15/2017: Linked to 76 Motion to Stay. (lak) (Entered: 01/13/2017)
01/13/2017	83	Brief in Reply by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz in Support of 65 Motion to Dismiss. (Russart, Michael) (Entered: 01/13/2017)
01/13/2017	84	Brief in Reply by Defendant Robert Stelter in Support of 68 Motion to Dismiss, (Attachments: # 1 Certificate of Service) (Knott, Douglas) Modified on 1/15/2017. (lak) (Entered: 01/13/2017)
01/13/2017	85	Supplemental Brief in Opposition by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 65 Motion to Dismiss, filed by David Robles, John Chisholm, Bruce Landgraf, Jonathan Becker, Shane W. Falk, Francis D. Schmitz, Kevin J. Kennedy, 68 Motion to Dismiss filed by Robert Stelter. (Greim, Edward) (Entered: 01/13/2017)
01/19/2017	86	Joint Motion for Leave to File a Notice of Supplemental Authority in Support of Defendants' Motions to Dismiss by Defendants Jonathan Becker, John Chisholm, Shane W. Falk, Kevin J. Kennedy, Bruce Landgraf, David Robles, Francis D. Schmitz, Robert Stelter, (Attachments: # 1 Exhibit 1 - Notice of Supplemental Authority in Support of Defendants' Motions to Dismiss, # 2 Supreme Court Opinion in Lightfoot v. Cedant Mortg. Corp., # 3 Certificate of Service) (Knott, Douglas) Modified on 1/20/2017. (lak) (Entered: 01/19/2017)

01/20/2017	87	<p>** TEXT ONLY ORDER **</p> <p>In light of the court's preliminary determination that all defendants appear to be entitled to at least qualified immunity with respect to the alleged violations of the Stored Communications Act, <i>see Narducci v. Moore</i>, 572 F.3d 313, 324 (7th Cir. 2009), the court will extend the stay of discovery in this case until the court issues its opinion on the admittedly much closer questions raised in defendants' motions to dismiss. Signed by District Judge William M. Conley on 1/20/2017. (arw) (Entered: 01/20/2017)</p>
03/02/2017	88	<p>MOTION FOR PRELIMINARY INJUNCTION <i>and for Return of Property</i> by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 03/02/2017)</p>
03/02/2017	89	<p>Declaration of Brett Healy filed by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 88 Motion for Preliminary Injunction, (Attachments: # 1 Exhibit A - Special Prosecutor Notice Issued Pursuant to Supreme Court Order) (Greim, Edward) (Entered: 03/02/2017)</p>
03/02/2017	90	<p>Declaration of Edward D. Greim filed by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 88 Motion for Preliminary Injunction, (Attachments: # 1 Exhibit A - Prosecutors' Response to Unnamed Movant No. 2's Motion for Post-Judgment Relief, # 2 Exhibit B - Special Prosecutor's Memorandum in Support of Motion for Reconsideration and Stay of Decisions and Orders, # 3 Exhibit C - Francis Schmitz, Affidavit Concerning John Doe Evidence, # 4 Exhibit D - Francis Schmitz, Index to John Doe II Evidence) (Greim, Edward) (Entered: 03/02/2017)</p>
03/02/2017	91	<p>Brief in Support of 88 Motion for Preliminary Injunction <i>and for Return of Property</i> by Plaintiff The John K. MacIver Institute for Public Policy, Inc. (Greim, Edward) (Entered: 03/02/2017)</p>
03/02/2017	92	<p>Proposed Findings of Fact filed by Plaintiff The John K. MacIver Institute for Public Policy, Inc. re: 88 Motion for Preliminary Injunction <i>and for Return of Property</i>. (Greim, Edward) (Entered: 03/02/2017)</p>
03/15/2017	93	<p>OPINION and ORDER granting 65 Motion to Dismiss; granting 68 Motion to Dismiss; denying 88 Motion for Preliminary Injunction and for Return of Property. The clerk of court is directed to enter judgment in favor of defendants and close this case. Signed by District Judge William M. Conley on 3/14/2017. (kwf) (Entered: 03/15/2017)</p>
03/16/2017	94	<p>AMENDED OPINION and ORDER granting 65 Motion to Dismiss; granting 68 Motion to Dismiss; denying 88 Motion for Preliminary Injunction and Return of Property. Pursuant to Federal Rule of Civil Procedure 60(a), the court corrects a typo on the first page. The order remains the same. Signed by District Judge William M. Conley on 3/15/2017. (jls) (Entered: 03/16/2017)</p>
03/20/2017	95	<p>JUDGMENT entered in favor of Defendants Francis D. Schmitz, John Chisholm, Bruce Landgraf, David Robles, Kevin J. Kennedy, Shane W. Falk, Jonathan Becker, and Robert Stelter dismissing the case. (kwf) (Entered: 03/20/2017)</p>
04/17/2017	96	<p>NOTICE OF APPEAL by Plaintiff The John K. MacIver Institute for Public Policy, Inc. as to 94 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 95 Judgment. Filing fee of \$ 505, receipt number 0758-2008525 paid. Docketing Statement filed. (Attachments: # 1 Docketing Statement) (Greim, Edward) (Entered: 04/17/2017)</p>
04/17/2017	97	<p>Appeal Information Packet. (lak) (Entered: 04/17/2017)</p>