

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:16-cv-00552-jdp**

Calvin, Arlin v. Sub-Zero Freezer Co.
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:1331 Fed. Question: Employment Discrimination

Date Filed: 08/05/2016
Date Terminated: 01/27/2017
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff**Arlin T. Calvin**

represented by **Arlin T. Calvin**
3304 Hedden Rd. Apt. 3
Middleton, WI 53562
(608) 446-5117
PRO SE

V.

Defendant**Sub-Zero Freezer Co.**

represented by **Holly E. Courtney**
Michael Best & Friedrich LLP
1 South Pinckney Street
P.O. Box 1806
Madison, WI 53701
608-257-3501
Fax: 608-283-2275
Email: hecourtney@michaelbest.com
ATTORNEY TO BE NOTICED

Jason Kunschke
Michael Best & Friedrich LLP
100 E. Wisconsin Ave, Ste.3300
Milwaukee, WI 53202
414-225-2759
Fax: 414-277-0656
Email: jakunschke@michaelbest.com
ATTORNEY TO BE NOTICED

Thomas William Scrivner
Michael Best & Friedrich, LLP
100 E. Wisconsin Ave, Ste.3300
Milwaukee, WI 53202
414-271-6560
Email: twscrivner@michaelbest.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/05/2016	<u>1</u>	COMPLAINT against Sub-Zero Freezer Co., filed by Arlin T. Calvin. (Case randomly assigned to District Judge James D. Peterson.) (jef) (Entered: 08/05/2016)
08/05/2016	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Arlin T. Calvin. (jef),(ps) (Entered: 08/05/2016)
08/05/2016	<u>3</u>	ORDER on ifp request: Complaint taken under advisement for screening. Signed by Magistrate Judge Peter A. Oppeneer on 8/5/2016. (jef),(ps) Modified on 8/8/2016 (elc). (Entered: 08/05/2016)

08/17/2016	<u>4</u>	ORDER that plaintiff shall respond regarding the issue of timeliness by August 31, 2016. Signed by District Judge James D. Peterson on 8/17/2016. (elc),(ps) (Entered: 08/17/2016)
08/29/2016	<u>5</u>	Response to <u>4</u> Order by Plaintiff Arlin T. Calvin. (Attachments: # <u>1</u> Exhibit 1 – Wis. Dept. of Workforce Development Discrimination Complaint, 11/26/14, # <u>2</u> Exhibit 2 – Wis. Dept. of Workforce Development Discrimination Complaint (no pg. 2 of information sheet), # <u>3</u> Exhibit 3 – Medical Report on Industrial Injury and Dean Return to Work Record, # <u>4</u> Exhibit 4 – Letter from Sub–Zero human resources, 6/4/02, # <u>5</u> Exhibit 5 – Witness statement from Jordan Bliss, # <u>6</u> Exhibit 6 – Termination letter 2/1/04, # <u>7</u> Exhibit 7 – Email from union agent Dave Godspeed) (jef),(ps) Modified on 8/29/2016 (jef). (Entered: 08/29/2016)
10/06/2016	<u>6</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Sub–Zero Freezer Co. Service to be made by USMS. Signed by District Judge James D. Peterson on 10/6/2016. (jef),(ps) Modified docket text on 10/6/2016 (nln). (Entered: 10/06/2016)
10/06/2016	<u>7</u>	Summons Issued as to Sub–Zero Freezer Co. Forwarded to U.S. Marshals for service. (jef),(ps) (Entered: 10/06/2016)
10/12/2016	<u>8</u>	Marshal Service Return Executed. Sub–Zero Freezer Co. served on 10/11/2016, answer due 11/1/2016. (nln),(ps) (Entered: 10/12/2016)
10/28/2016	<u>9</u>	MOTION TO DISMISS by Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) Modified on 10/31/2016. (lak) (Entered: 10/28/2016)
10/28/2016	<u>10</u>	Notice of Appearance filed by Thomas William Scrivner for Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) (Entered: 10/28/2016)
10/28/2016	<u>11</u>	Certificate of Service by Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) (Entered: 10/28/2016)
10/28/2016	<u>12</u>	Corporate Disclosure Statement by Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) (Entered: 10/28/2016)
10/28/2016	<u>13</u>	Brief in Support of <u>9</u> Motion to Dismiss by Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) Modified on 10/31/2016. (lak) (Entered: 10/28/2016)
10/28/2016	<u>14</u>	Disregard. See <u>20</u> . Modified on 11/1/2016. (lak) (Entered: 10/28/2016)
10/28/2016	<u>15</u>	Disregard. See <u>19</u> . Modified on 11/1/2016. (lak) (Entered: 10/28/2016)
10/28/2016	<u>16</u>	Disregard. See <u>21</u> . Modified on 11/1/2016. (lak) (Entered: 10/28/2016)
10/28/2016	<u>17</u>	Exhibit to <u>9</u> Motion to Dismiss filed by Sub–Zero Freezer Co. (<i>Appendix</i>) (Scrivner, Thomas),(ps) Modified on 10/31/2016. (lak) (Entered: 10/28/2016)
10/31/2016		Set Briefing Deadlines as to <u>9</u> MOTION TO DISMISS. Plaintiff's Brief in Opposition due 11/21/2016. Defendant's Brief in Reply due 12/1/2016. (nln),(ps) (Entered: 10/31/2016)
10/31/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 12/20/2016 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] (nln),(ps) (Entered: 10/31/2016)
10/31/2016	<u>18</u>	Notice of Appearance filed by Jason Kunschke for Defendant Sub–Zero Freezer Co. (Kunschke, Jason),(ps) (Entered: 10/31/2016)
10/31/2016	<u>19</u>	Affidavit of Fred Neuman filed by Defendant Sub–Zero Freezer Co. re: <u>9</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit A – Collective Bargaining Agreement, # <u>2</u> Exhibit B – 7/26/02 Letter, # <u>3</u> Exhibit C – 6/4/02 Letter,

		# <u>4</u> Exhibit D – Termination Letter, # <u>5</u> Exhibit E – ERD Notice of Charge Filing, # <u>6</u> Exhibit F – 12/21/10 Position Statement) (Scrivner, Thomas),(ps) (Entered: 10/31/2016)
10/31/2016	<u>20</u>	Affidavit of Thomas Scrivner filed by Defendant Sub–Zero Freezer Co. re: <u>9</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit 1 – ERD Hearing Notice, # <u>2</u> Exhibit 2 – ALJ Decision, # <u>3</u> Exhibit 3 – Dane County Complaint, # <u>4</u> Exhibit 4 – 5/3/16 Order, # <u>5</u> Exhibit 5 – Calvin LIRC Appeal, # <u>6</u> Exhibit 6 – 4/29/16 LIRC Decision, # <u>7</u> Exhibit 7 – Appeal Petition, # <u>8</u> Exhibit 8 – 7/18/16 Final Order) (Scrivner, Thomas),(ps) (Entered: 10/31/2016)
10/31/2016	<u>21</u>	Affidavit of Betty Baker filed by Defendant Sub–Zero Freezer Co. re: <u>9</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit 1 – Information Provided to ERD, # <u>2</u> Exhibit 2 – Letter from Stephen Herje, # <u>3</u> Exhibit 3 – Information Provided to ERD, # <u>4</u> Exhibit 4 – 2013 Discrimination Information, # <u>5</u> Exhibit 5 – Initial Determination of NPC) (Scrivner, Thomas),(ps) (Entered: 10/31/2016)
10/31/2016	<u>22</u>	Notice of Appearance filed by Holly E. Courtney for Defendant Sub–Zero Freezer Co. (Courtney, Holly),(ps) (Entered: 10/31/2016)
11/18/2016	<u>23</u>	Motion for extension of time to file brief in opposition, by Plaintiff Arlin T. Calvin. (nln),(ps) (Entered: 11/18/2016)
11/18/2016	24	** TEXT ONLY ORDER ** ORDER granting <u>23</u> Motion for extension of time to file brief in opposition. Plaintiff's Brief in Opposition due 12/5/2016. Defendant's Brief in Reply due 12/15/2016. Signed by Magistrate Judge Peter A. Oppeneer on 11/18/2016. (nln),(ps) (Entered: 11/18/2016)
12/05/2016	<u>25</u>	Brief in Opposition by Plaintiff Arlin T. Calvin re: <u>9</u> Motion to Dismiss filed by Sub–Zero Freezer Co. (Attachments: # <u>1</u> Exhibit 1 – 7/26/2002 Letter, # <u>2</u> Exhibit 2 – Equal Rights Complaint Process Information Sheet, # <u>3</u> Exhibit 3 – 2/1/2004 Letter re: Termination of Employment, # <u>4</u> Exhibit 4 – 10/13/2004 Letter from Reynolds & Associates Attorneys, # <u>5</u> Exhibit 5 – Discrimination Complaint, # <u>6</u> Exhibit 6 – 7/7/2016 Proposed Final Order dismissing Dane County Circuit Case 2016CV1305, # <u>7</u> Exhibit 7 – 6/4/2002 Letter re: Medical Restrictions and Available Work, # <u>8</u> Exhibit 8 – Witness Statement from Jordan Bliss, # <u>9</u> Exhibit 9 – Agreement between Sub–Zero Freezer and Local Union 565, # <u>10</u> Exhibit 10 – Transcript of Recorded Voicemails 9/9/10 and 11/22/10, # <u>11</u> Exhibit 11 – Job Postings and Hiring Activity, # <u>12</u> Exhibit 12 – 2/1/2004 Letter re: Termination of Employment, # <u>13</u> Exhibit 13 – 10/10/2014 E–mail Correspondence from Dave Goodspeed, # <u>14</u> Exhibit 14 – 6/4/2002 Letter re: Medical Restrictions and Available Work, # <u>15</u> Exhibit 15 – Similar Circumstances) (elc),(ps) (Entered: 12/05/2016)
12/09/2016		Reset Telephone Pretrial Conference: Telephone Pretrial Conference reset to 1/5/2017 at 02:00 PM before Magistrate Judge Stephen L. Crocker to accommodate the court's schedule. 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. [<u>Notice Regarding the Telephone Preliminary Pretrial Conference</u> attached] (nln),(ps) (Entered: 12/09/2016)
12/14/2016	<u>26</u>	Brief in Reply by Defendant Sub–Zero Freezer Co. in Support of <u>9</u> Motion to Dismiss. (Scrivner, Thomas),(ps) (Entered: 12/14/2016)

12/15/2016	<u>27</u>	Certificate of Service by Defendant Sub–Zero Freezer Co. as to <u>26</u> Brief in Reply. (Scrivner, Thomas),(ps) (Entered: 12/15/2016)
01/05/2017		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 1/5/2017 [:10] (cak),(ps) (Entered: 01/05/2017)
01/27/2017	<u>28</u>	ORDER granting defendant Sub–Zero Freezer Co.'s <u>9</u> Motion to Dismiss and dismissing this case. The clerk of court is directed to enter judgment in defendant's favor and close the case. Signed by District Judge James D. Peterson on 1/27/2017. (jef),(ps) (Entered: 01/27/2017)
01/27/2017	<u>29</u>	JUDGMENT entered in favor of defendant Sub–Zero Freezer Co. dismissing this case. Signed by Peter A. Oppeneer, Clerk of Court on 1/27/2017. (jef),(ps) (Entered: 01/27/2017)
02/10/2017	<u>30</u>	Motion for Reconsideration re <u>28</u> Order, filed by Plaintiff Arlin T. Calvin. (nlh),(ps) (Entered: 02/10/2017)
02/17/2017	<u>31</u>	Brief in Opposition by Defendant Sub–Zero Freezer Co. re: <u>30</u> Motion for Reconsideration filed by Arlin T. Calvin. (Scrivner, Thomas),(ps) (Entered: 02/17/2017)
02/17/2017	<u>32</u>	Certificate of Service by Defendant Sub–Zero Freezer Co. (Scrivner, Thomas),(ps) (Entered: 02/17/2017)
04/17/2017	<u>33</u>	ORDER denying <u>30</u> Motion for Reconsideration. Signed by District Judge James D. Peterson on 4/17/2017. (jef),(ps) (Entered: 04/17/2017)
05/08/2017	<u>34</u>	NOTICE OF APPEAL by Plaintiff Arlin T. Calvin as to <u>29</u> Judgment, <u>33</u> Order on Motion for Reconsideration, <u>28</u> Order on Motion to Dismiss. In forma pauperis requested. No Docketing Statement filed. (jef),(ps) (Entered: 05/08/2017)
05/08/2017	<u>35</u>	Motion for Leave to Proceed in forma pauperis on Appeal by Plaintiff Arlin T. Calvin. (jef),(ps) (Entered: 05/08/2017)
05/08/2017	<u>36</u>	Transcript Request Form by Plaintiff Arlin T. Calvin re <u>34</u> Notice of Appeal. (jef),(ps) (Entered: 05/08/2017)