

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:16-cv-00640-slc**

Pronschinske Trust Dated March 21, 1995 v. Kaw Valley Companies, Inc.
et al
Assigned to: Magistrate Judge Stephen L. Crocker
Cause: 28:1332 Diversity-Contract Default

Date Filed: 09/19/2016
Date Terminated: 08/15/2017
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Pronschinske Trust Dated March 21, 1995

represented by **Benjamin J Quackenbush**
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V.

Defendant

Kaw Valley Companies, Inc.

represented by **Emily J. O. Sullivan**
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Defendant

KC Proppants, LLC

represented by **Emily J. O. Sullivan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Justin J. Johl
(See above for address)
ATTORNEY TO BE NOTICED

Michael B. Barnett
(See above for address)
ATTORNEY TO BE NOTICED

Natalie Dodd

Date Filed	#	Docket Text
09/19/2016	1	NOTICE OF REMOVAL from State of Wisconsin Circuit Court Trempealeau County, case number 2016CV000138. (Filing fee \$ 400 receipt number 0758-1885025), filed by All Defendants. (Attachments: # 1 JS-44 Civil Cover Sheet, # 2 Exhibit A - State Court Complaint, # 3 Exhibit B - Other State Court Documents) (Sullivan, Emily) Modified on 9/19/2016: Added exhibit descriptions. (lak) (Entered: 09/19/2016)
09/19/2016	2	Corporate Disclosure Statement by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Sullivan, Emily) (Entered: 09/19/2016)
09/20/2016		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (kwf) (Entered: 09/20/2016)
09/20/2016		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: Corporate Disclosure Statement , Order Regarding Assignment of Civil Cases , Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment , Order on Dispositive Motions . (kwf) (Entered: 09/20/2016)
09/23/2016	3	Motion to Admit Michael B. Barnett Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1887955.) by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 09/23/2016)
09/23/2016	4	** TEXT ONLY ORDER ** ORDER granting 3 Motion to Admit Michael B. Barnett Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 9/23/2016. (lak) (Entered: 09/23/2016)
09/23/2016	5	Motion to Admit Justin J. Johl Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1888054.) by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Johl, Justin) M (Entered: 09/23/2016)
09/23/2016	6	** TEXT ONLY ORDER ** ORDER granting 5 Motion to Admit Justin J. Johl Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 9/23/2016. (lak) (Entered: 09/23/2016)
09/23/2016	7	ANSWER by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc.. (Barnett, Michael) (Entered: 09/23/2016)
09/26/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 10/25/2016 at 02:00 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: 09/26/2016)
10/07/2016	8	Demand for Trial by Jury by Plaintiff Pronschinske Trust Dated March 21, 1995. (Arndt, Dan) (Entered: 10/07/2016)
10/20/2016	9	Report of Rule 26(f) Planning Meeting. (Arndt, Dan) (Entered: 10/20/2016)
10/24/2016		Case randomly reassigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (cak) (Entered: 10/24/2016)
10/24/2016		Case reassigned to Magistrate Judge Stephen L. Crocker. CONSENTED flag added. (arw/slc) (Entered: 10/24/2016)

10/26/2016 Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 10/25/2016 [:10] (cak) (Entered: 10/26/2016)

10/28/2016 [10](#) Pretrial Conference Order - Amendments to Pleadings due 12/23/2016. Dispositive Motions due 5/22/2017. Settlement Letters due 9/15/2017. Motions in Limine due 9/20/2017, Responses due 10/6/2017. Telephone Final Pretrial Conference set for 10/18/2017 at 3:00 PM. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. Jury Selection and Trial set for 10/23/2017 at 9:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 10/26/2016. (kwf) (Entered: 10/28/2016)

11/10/2016 [11](#) ORDER Regarding Jurisdiction. Proof of Diversity of Citizenship due 11/28/2016. Signed by Magistrate Judge Stephen L. Crocker on 11/10/2016. (kwf) (Entered: 11/10/2016)

11/15/2016 [12](#) Certificate of Service by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 11/15/2016)

11/18/2016 [13](#) Certificate of Service by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 11/18/2016)

11/18/2016 [14](#) Certificate of Service by Plaintiff Pronschinske Trust Dated March 21, 1995. (Arndt, Dan) (Entered: 11/18/2016)

11/23/2016 [15](#) Response to [11](#) Order Regarding Jurisdiction by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc., (Attachments: # [1](#) Exhibit - See [16](#) for Declaration) (Barnett, Michael) Modified on 11/23/2016: Declaration filed as a separate docket entry. (lak) (Entered: 11/23/2016)

11/23/2016 [16](#) Declaration of Tim Kates filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [11](#) Order Regarding Jurisdiction. (lak) (Entered: 11/23/2016)

12/29/2016 [17](#) ** TEXT ONLY ORDER **
Defendants have complied with the court's order (dkt. [11](#)) by verifying the citizenship of Pronschinske Trust and KC Properties, LLC. Hearing no objection from plaintiff, the court is satisfied that it has subject matter jurisdiction in this case. Signed by Magistrate Judge Stephen L. Crocker on 12/29/2016. (kwf) (Entered: 12/29/2016)

02/14/2017 [18](#) Notice to Take Deposition of Ivan Pronschinske by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 02/14/2017)

02/14/2017 [19](#) Notice to Take Deposition of Beverly Pronschinske by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 02/14/2017)

02/14/2017 [20](#) Notice to Take Deposition of Lance Pronschinske by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Barnett, Michael) (Entered: 02/14/2017)

03/08/2017 [21](#) Certificate of Service by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Johl, Justin) (Entered: 03/08/2017)

03/08/2017 [22](#) Certificate of Service by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Johl, Justin) (Entered: 03/08/2017)

03/09/2017 Notice to Counsel: Discovery materials (and Certificates of Service) should not be filed with the court unless they are related to a pending motion. Thank you. (lak) (Entered: 03/09/2017)

04/27/2017 [23](#) Motion to Admit Natalie Dodd Pro Hac Vice. (Pro Hac Vice fee \$ 100 receipt number 0758-2015336.) by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Dodd, Natalie) (Entered: 04/27/2017)

- 04/28/2017 24 **** TEXT ONLY ORDER ****
ORDER granting [23](#) Motion to Admit Natalie Dodd Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 4/28/2017. (lak) (Entered: 04/28/2017)
- 05/22/2017 [25](#) **MOTION FOR SUMMARY JUDGMENT** by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. Brief in Opposition due 6/12/2017. Brief in Reply due 6/22/2017. (Johl, Justin) (Entered: 05/22/2017)
- 05/22/2017 [26](#) Brief in Support of [25](#) Motion for Summary Judgment by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. (Attachments:
[1](#) Exhibit A - Complaint,
[2](#) Exhibit B - Mining Lease Agreement,
[3](#) Exhibit C - Ivan Pronschinske Deposition Testimony (Also see [30](#) .),
[4](#) Exhibit D - Assignment of Lease,
[5](#) Exhibit E - CUP Conditions,
[6](#) Exhibit F - CUP Application,
[7](#) Exhibit G - CUP Lapse-Notice,
[8](#) Exhibit H - Tim Kates Affidavit (Also see [29](#) .),
[9](#) Exhibit I - Beverly Pronschinske Deposition Testimony (Also see [31](#) .),
[10](#) Exhibit J - Plaintiff Response to Defendant First Interrogatory,
[11](#) Exhibit K - Termination Letter,
[12](#) Exhibit L - Response to Termination Letter) (Johl, Justin) Modified on 5/23/2017: E-mail to counsel re: refileing certain exhibits as separate docket entries. (lak) (Entered: 05/22/2017)
- 05/22/2017 [27](#) Proposed Findings of Fact filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [25](#) Motion for Summary Judgment, (Attachments:
[1](#) Exhibit A - Complaint,
[2](#) Exhibit B - Mining Lease Agreement,
[3](#) Exhibit C - Ivan Pronschinske Deposition Testimony (Also see [30](#) .),
[4](#) Exhibit D - Assignment of Lease,
[5](#) Exhibit E - CUP Conditions,
[6](#) Exhibit F - CUP Application,
[7](#) Exhibit G - CUP Lapse-Notice,
[8](#) Exhibit H - Tim Kates Affidavit (Also see [29](#) .),
[9](#) Exhibit I - Beverly Pronschinske Deposition Testimony (Also see [31](#) .),
[10](#) Exhibit J - Plaintiff Response to Defendant First Interrogatory,
[11](#) Exhibit K - Termination Letter,
[12](#) Exhibit L - Response to Termination Letter) (Johl, Justin) Modified on 5/23/2017: E-mail to counsel re: refileing certain exhibits as separate docket entries. (lak) (Entered: 05/22/2017)
- 05/22/2017 [28](#) Certificate of Service by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. as to [25](#) MOTION FOR SUMMARY JUDGMENT, [26](#) Brief in Support, [27](#) Proposed Findings of Fact. (Johl, Justin) (Entered: 05/22/2017)
- 05/23/2017 [29](#) Affidavit of Tim Kates filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [25](#) Motion for Summary Judgment (Johl, Justin) (Entered: 05/23/2017)
- 05/23/2017 [30](#) Deposition of Ivan Pronschinske taken on 02/23/2017. (Johl, Justin) (Entered: 05/23/2017)
- 05/23/2017 [31](#) Deposition of Beverly Pronschinske taken on 02/23/2017. (Johl, Justin) (Entered: 05/23/2017)
- 06/12/2017 [32](#) Motion to Substitute Attorney by Plaintiff Pronschinske Trust Dated March 21, 1995. (Arndt, Dan) Modified on 6/12/2017. (lak) (Entered: 06/12/2017)
- 06/12/2017 [33](#) Disregard. See [39](#) . Modified on 6/13/2017. (lak) (Entered: 06/12/2017)

- 06/12/2017 [34](#) Deposition of Tim Kates taken on 04-24-17. (Arndt, Dan) (Entered: 06/12/2017)
- 06/12/2017 [35](#) Deposition of Dan Hays taken on 04-24-17. (Arndt, Dan) (Entered: 06/12/2017)
- 06/12/2017 [36](#) Affidavit of Ivan Pronschinske filed by Plaintiff Pronschinske Trust Dated March 21, 1995 re: [25](#) Motion for Summary Judgment. (Arndt, Dan) (Entered: 06/12/2017)
- 06/12/2017 [37](#) Proposed Findings of Fact filed by Plaintiff Pronschinske Trust Dated March 21, 1995 re: [25](#) Motion for Summary Judgment. (Arndt, Dan) (Entered: 06/12/2017)
- 06/12/2017 [38](#) Certificate of Service by Plaintiff Pronschinske Trust Dated March 21, 1995. (Arndt, Dan) (Entered: 06/12/2017)
- 06/13/2017 [39](#) Brief in Opposition by Plaintiff Pronschinske Trust Dated March 21, 1995 re: [25](#) Motion for Summary Judgment filed by Kaw Valley Companies, Inc., KC Proppants, LLC (Attachments: # [1](#) Exhibit A - See [34](#) . (Excerpt of Tim Kate's Deposition), # [2](#) Exhibit B - E-mail with Redline of Lease, # [3](#) Exhibit C - See [35](#) . (Excerpt of Dan Hays Deposition), # [4](#) Exhibit D - See [36](#) . (Affidavit of Ivan Pronschinske), # [5](#) Exhibit E - Proposed Lease Amendment, # [6](#) Exhibit F - County Road Upgrade and Maintenance Agreement, # [7](#) Exhibit G - Plaintiff's Second Amended Response to Defendants' First Request for Production of Documents to Plaintiff Pronschinske Trust Dated March 21, 1995) (Arndt, Dan) Modified on 6/13/2017. (lak) (Entered: 06/13/2017)
- 06/13/2017 40 ** TEXT ONLY ORDER **
On June 12, 2017, plaintiff filed a "notice of substitution of counsel" (dkt. [32](#)) in conjunction with plaintiff's timely response to defendants' motion for summary judgment. At this stage in the case, a party may substitute counsel only by leave of court. This court will grant leave with the understanding that all dates in the current schedule remain in place. New counsel's timely filing of plaintiff's response suggests that counsel is prepared to meet this requirement, so the substitution is allowed. Signed by Magistrate Judge Stephen L. Crocker on 6/13/2017. (kwf) (Entered: 06/13/2017)
- 06/13/2017 [41](#) Notice of Appearance filed by Benjamin J Quackenbush for Plaintiff Pronschinske Trust Dated March 21, 1995. (Quackenbush, Benjamin) (Entered: 06/13/2017)
- 06/19/2017 42 ** TEXT ONLY ORDER **
Plaintiff's response to Defendant's Proposed Findings of Fact in support of its motion for summary judgment (Dkt. [37](#)) fails to comply with this court's summary judgment procedure. Plaintiff has until noon on June 23, 2017, in which to submit a response that complies with Section II D. of the Procedure to be Followed on Motions for Summary Judgment, which is attached to this court's pretrial conference order (Dkt. [10](#)). Defendant's reply deadline is moved from June 22 to July 6, 2017. Signed by Magistrate Judge Stephen L. Crocker on 6/19/2017. (kwf) (Entered: 06/19/2017)
- 06/23/2017 [43](#) Amended Proposed Findings of Fact filed by Plaintiff Pronschinske Trust Dated March 21, 1995 re: [25](#) Motion for Summary Judgment. (Arndt, Dan) (Entered: 06/23/2017)
- 06/23/2017 [44](#) Response to Proposed Findings of Fact filed by Plaintiff Pronschinske Trust Dated March 21, 1995 re: [25](#) Motion for Summary Judgment. (Arndt, Dan) (Entered: 06/23/2017)
- 07/06/2017 [45](#) Brief in Reply by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. in Support of [25](#) Motion for Summary Judgment. (Johl, Justin) (Entered: 07/06/2017)
- 07/06/2017 [46](#) Reply in Support of Proposed Findings of Fact filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [25](#) Motion for Summary Judgment. (Johl, Justin) (Entered: 07/06/2017)

07/06/2017)

- 07/06/2017 [47](#) Response to Proposed Findings of Fact filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [25](#) Motion for Summary Judgment. (Johl, Justin) (Entered: 07/06/2017)
- 08/15/2017 [48](#) OPINION AND ORDER granting [25](#) Motion for Summary Judgment. The clerk of court is ordered to enter judgment for defendants and close this case. Signed by Magistrate Judge Stephen L. Crocker on 8/15/2017. (kwf) (Entered: 08/15/2017)
- 08/15/2017 [49](#) JUDGMENT entered in favor of Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. dismissing the case. (kwf) (Entered: 08/15/2017)
- 09/12/2017 ~~1~~ [50](#) Bill of Costs by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc.. Motions referred to Peter A. Oppeneer, Clerk of Court. Objection to Bill of Costs due 9/22/2017. Brief in Support to Bill of Costs due 10/2/2017. Brief in Reply in Opposition to Bill of Costs due 10/10/2017. (Barnett, Michael) (Entered: 09/12/2017)
- 09/12/2017 [51](#) Declaration of Michael B. Barnett filed by Defendants KC Proppants, LLC, Kaw Valley Companies, Inc. re: [50](#) Bill of Costs, (Attachments: # [1](#) Exhibit A - Itemization of Costs, # [2](#) Exhibit B - Civil Docket Report, # [3](#) Exhibit C - Invoices re Transcripts, # [4](#) Exhibit D - Invoices re Costs) (Barnett, Michael) (Entered: 09/12/2017)
- 09/13/2017 [52](#) NOTICE OF APPEAL by Plaintiff Pronschinske Trust Dated March 21, 1995 as to [48](#) Order on Motion for Summary Judgment, [49](#) Judgment. Filing fee of \$ 505, receipt number 0758-2102309 paid. (Arndt, Dan) Modified on 9/13/2017. (lak) (Entered: 09/13/2017)
- 09/13/2017 [53](#) Appeal Information Packet. (lak) (Entered: 09/13/2017)