

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MINERVA DAIRY, INC., and ADAM
MUELLER,

Civil Action No. 17-cv-299

Plaintiffs,

**DOCKETING
STATEMENT**

v.

SHEILA HARSDORF, in her official capacity as the Secretary of the Wisconsin Department of Agriculture, Trade and Consumer Protection; BRAD SCHIMEL, in his official capacity as the Attorney General for the state of Wisconsin; and PETER J. HAASE, in his official capacity as the Bureau Director of the Division of Food and Recreational Safety within the Wisconsin Department of Agriculture, Trade and Consumer Protection,

Defendants.

District Court's Jurisdiction

This case is a constitutional challenge to Wisconsin's butter grading mandate, which prohibits butter from being sold in Wisconsin unless it has first been graded by either a Wisconsin-licensed butter grader or the USDA. Plaintiffs Minerva Dairy, Inc. and Adam Mueller challenge the constitutionality of the grading requirement under the Commerce Clause (U.S. Const. art. I, § 8, cl.3) and the Fourteenth Amendment's Due Process (U.S. Const. amend XIV, § 1) and Equal Protection Clauses (U.S. Const. amend XIV, § 1). Jurisdiction over Plaintiffs' claims for declaratory and injunctive relief is proper in the district court under 28 U.S.C. §§ 1331 (federal question), 1343 (civil rights), and 2201-2202 (the Declaratory Judgment Act).

Corporate Statement

Plaintiff Minerva Dairy, Inc., is a C Corporation incorporated under the laws of the State of Ohio and which has its principal place of business in the State of Ohio.

Appellate Jurisdiction

The United States Court of Appeals for the Seventh Circuit has jurisdiction under 28 U.S.C. § 1291. Minerva Dairy and Adam Mueller appeal the order of the United States District Court for the Western District of Wisconsin granting summary judgment in favor of Defendants and dismissing the case with prejudice.

Timeliness of Appeal

The district court’s order granting summary judgment in favor of Defendants and dismissing the case with prejudice was final on February 5, 2018. Plaintiffs timely appealed on March 5, 2018.

Parties in an Official Capacity

Sheila Harsdorf¹ is sued in her official capacity as Secretary of the Wisconsin Department of Agriculture, Trade and Consumer Protection. Brad Schimel is sued in his official capacity as Attorney General for the State of Wisconsin. Peter Haase is sued in his official capacity as Bureau Director of the Division of Food and Recreational Safety within the Wisconsin Department of Agriculture, Trade and Consumer Protection.

DATED: March 5, 2018.

Respectfully submitted:

/s/Joshua P. Thompson
JOSHUA P. THOMPSON

¹ Secretary Harsdorf succeeded Ben Brancel as Secretary of the Wisconsin Department of Agriculture, Trade and Consumer Protection. She is automatically substituted as a party under Fed. R. Civ. P. 25(d).

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