

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 17-1790 Nature of Suit: 3890 Other Statutory Actions John K. MacIver Institute for v. Francis Schmitz, et al Appeal From: Western District of Wisconsin Fee Status: Paid	Docketed: 04/17/2017 Termed: 03/21/2018
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Case Type Information:

- 1) civil
- 2) private
- 3) -

Originating Court Information:

District: 0758-3 : [3:16-cv-00539-wmc](#)
Trial Judge: William M. Conley, District Court Judge
Date Filed: 08/01/2016
Date Order/Judgment: 03/20/2017

Date NOA Filed:
04/17/2017

Prior Cases:

None

Current Cases:

None

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JOHN K. MACIVER INSTITUTE FOR PUBLIC POLICY, INC.,
Plaintiff - Appellant

v.

FRANCIS D. SCHMITZ, et al.,
Defendants - Appellees

04/17/2017	<input type="checkbox"/> 1	Private civil case docketed. Fee paid. Docketing statement filed. Appellant's brief due on or before 05/30/2017 for John K. Maclver Institute for Public Policy, Inc. Transcript information sheet due by 05/01/2017. [1] [6834404] [17-1790] (VG)
04/17/2017	<input type="checkbox"/> 2	THIS CAUSE CONSISTS OF MORE THAN 5 PARTIES FOR EITHER SIDE. The following are those parties to this cause as reflected on the District Court docket, yet are not reflected on the Appellate docket/caption for administrative purposes: APPELLEES: Kevin J. Kennedy, Shane W. Falk and Jonathan Becker. [2] [6834406] [17-1790] (VG)
04/17/2017	<input type="checkbox"/> 3	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Joel D. Bertocchi for Appellees John T. Chisholm, Bruce Landgraf, David Robles and Francis D. Schmitz. for Kevin Kennedy, Shane Falk, Jonathan Becker. [3] [6834419] (L-Yes; E-Yes; R-Yes) [17-1790]--[Edited 04/17/2017 by AP- to reflect the termination and addition of counsel] (Bertocchi, Joel)
04/18/2017	<input type="checkbox"/> 4	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Douglas S. Knott for Appellee Robert Stelter. [4] [6834693] (L-Yes; E-Yes; R-No) [17-1790] (Knott, Douglas)
04/18/2017	<input type="checkbox"/> 5	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Samuel J. Leib for Appellee Robert Stelter. [5] [6834699] (L-No; E-Yes; R-No) [17-1790]--[Edited 04/19/2017 by FP to reflect that atty. Leib is added to the docket.] (Leib, Samuel)
04/18/2017	<input type="checkbox"/> 6	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Brent A. Simerson for Appellee Robert Stelter. [6] [6834700] (L-No; E-Yes; R-No) [17-1790]--[Edited 04/19/2017 by FP to reflect that atty. Simerson is added to the docket.] (Simerson, Brent)
04/18/2017	<input type="checkbox"/> 7	A review of the short record reveals that this appeal involves more than one appellee represented by different counsel. Counsel for appellees are encouraged to file a joint brief and appendix or adopt parts of a co-appellee's brief. The parties are reminded that redundant and uncoordinated briefing will be stricken. See United States v. Torres, 170 F.3d 749 (7th Cir. 1999); United States v. Ashman, 964 F.2d 596 (7th Cir. 1992). [6834787] [7] [6834787] [17-1790] (AD)
04/19/2017	<input type="checkbox"/> 8	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Edward D. Greim for Appellant John K. Maclver Institute for Public Policy, Inc.. [8] [6835034] (L-Yes; E-Yes; R-No) [17-1790] (Greim, E.)
04/19/2017	<input type="checkbox"/> 9	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Todd P. Graves for Appellant John K. Maclver Institute for Public Policy, Inc. [9] [6835056] (L-No; E-Yes; R-No) [17-1790]--[Edited 04/19/2017 by CR to reflect person served and addition of counsel] (Graves, Todd)
04/19/2017	<input type="checkbox"/> 10	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Dane C. Martin for Appellant John K. Maclver Institute for Public Policy, Inc. [10] [6835058] (L-No; E-Yes; R-No) [17-1790]--[Edited 04/19/2017 by CR to reflect person served and addition of counsel] (Martin, Dane)
04/19/2017	<input type="checkbox"/> 11	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney J. Benton Hurst for Appellant John K. Maclver Institute for Public Policy, Inc. [11] [6835063] (L-No; E-Yes; R-No) [17-1790]--[Edited 04/19/2017 by CR to reflect person served and addition of counsel] (Hurst, John)
04/21/2017	<input type="checkbox"/> 12	Filed Seventh Circuit Transcript Information Sheet by Appellant John K. Maclver Institute for Public Policy, Inc.. [12] [6835719] [17-1790] (FP)
05/30/2017	<input type="checkbox"/> 13	Submitted appellant brief by Edward D. Greim for Appellant John K. Maclver Institute for Public Policy, Inc.. [13] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6844285] [17-1790] (Greim, E.)
05/30/2017	<input type="checkbox"/> 14	Appellant's brief filed by Appellant John K. Maclver Institute for Public Policy, Inc.. Appellee's brief due on or before 06/29/2017 for John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. Paper copies due on 06/06/2017 Electronically Transmitted. [14] [6844421] [17-1790] (RS)
06/08/2017	<input type="checkbox"/> 15	Motion filed by Appellees John T. Chisholm, Bruce Landgraf, David Robles and Francis D. Schmitz to extend time to file appellee brief. [15] [6846664] [17-1790] (Bertocchi, Joel)
06/09/2017	<input type="checkbox"/> 16	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Steven M. Puiszis for Appellees John T. Chisholm, Bruce Landgraf, David Robles and Francis D. Schmitz. Additional Parties: Kevin Kennedy, Shane Falk and Jonathan Becker. [16] [6846933] (L-No; E-No; R-No) [17-1790] (Puiszis, Steven)
06/12/2017	<input type="checkbox"/> 17	Order issued GRANTING motion to extend time to file appellee's brief. [15] Appellee's brief due on or before 07/31/2017 for John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. Appellant's reply brief, if any, is due on or before 08/14/2017 for Appellant John K. Maclver Institute for Public Policy, Inc.. CMD [17] [6847033] [17-1790] (FP)

- 07/25/2017 [18](#) Motion filed by Appellee Robert Stelter to extend time to file appellee brief. [18] [6856625] [17-1790] (Leib, Samuel)
4 pg, 231.77 KB
- 07/26/2017 [19](#) Filed Response in Opposition by Appellant John K. Maclver Institute for Public Policy, Inc. to Defendant-Appellees' Second Request for Extension of Time. [19][6856735] [17-1790] (Greim, E.)
5 pg, 163.46 KB
- 07/27/2017 [20](#) ORDER re: 1. Defendants-Appellees' Motion for Extension of Time to File Their Consolidated Response Brief. [18] 2. Plaintiff John K. Maclver Institute's Response to Defendants-Appellees' Second Request for Extension. The motion is GRANTED and briefing will proceed as follows: Appellees' briefs due on or before 08/21/2017 for John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. Appellant's reply brief, if any, is due on or before 09/05/2017 for Appellant John K. Maclver Institute for Public Policy, Inc. Because the court's docket is current, counsel is expected to meet this deadline. CMD [20] [6857028] [17-1790] (MM)
1 pg, 99.81 KB
- 08/10/2017 [21](#) Filed Notice of Correspondence to Clerk by Appellant John K. Maclver Institute for Public Policy, Inc.. [21] [6860576] [17-1790] (Greim, E.)
2 pg, 83.47 KB
- 08/21/2017 [22](#) Motion filed by Appellant John K. Maclver Institute for Public Policy, Inc. to extend time to file Reply Brief. [22] [6862832] [17-1790] (Greim, E.)
4 pg, 152.73 KB
- 08/21/2017 [23](#) Order issued GRANTING motion to extend time to file appellant's reply brief. [22] Appellant's reply brief, if any, is due on or before 09/22/2017 for Appellant John K. Maclver Institute for Public Policy, Inc. CMD [23] [6862907] [17-1790] (MM)
1 pg, 98.32 KB
- 08/21/2017 [24](#) Submitted appellee brief by Joel D. Bertocchi for Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. [24] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6863073] [17-1790] (Bertocchi, Joel)
0 pg, 0 KB
- 08/21/2017 [25](#) Appellee's brief filed by Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. Paper copies due on 08/29/2017 Electronically Transmitted. [25] [6863108] [17-1790] (ME)
74 pg, 278.43 KB
- 09/22/2017 [26](#) Submitted appellant reply brief by Edward D. Greim for Appellant John K. Maclver Institute for Public Policy, Inc.. [26] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6871232] [17-1790] (Greim, E.)
0 pg, 0 KB
- 09/22/2017 [27](#) Appellant's reply brief filed by Appellant John K. Maclver Institute for Public Policy, Inc.. Paper copies due on 09/29/2017 Electronically Transmitted. [27] [6871274] [17-1790] (ME)
38 pg, 368.67 KB
- 10/04/2017 [28](#) Notice to the District Court to transmit the record on appeal. [28] [6873713] [17-1790] (SK)
1 pg, 87.66 KB
- 10/04/2017 [29](#) Argument set for Wednesday, November 8, 2017, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 15 minutes. [29] [6873715] [17-1790] (SK)
4 pg, 138.13 KB
- 10/05/2017 [30](#) Original record on appeal filed electronically. Contents of record : 2 vol. pleadings. [30] [6874034] [17-1790] (CO)
1223 pg, 40.92 MB
- 10/05/2017 31 Filed electronic transcript of proceedings held on 11/1/16. [31] [6874037] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [17-1790] (CO)
- 10/05/2017 [32](#) Original record on appeal filed electronically. Contents of record : 10 sealed documents. [32] [6874046] [17-1790] (CO)
42 pg, 773.43 KB
- 10/06/2017 [33](#) ORDER: This Court has received 10 electronic files, document nos. 34, 37, 45, 46, 47, 48, 49, 53, 54 & 63, under seal from the district court. All documents filed in this Court, except those required to be sealed by statute or rule are considered public. Pursuant to 7th Circuit Operating Procedure 10(b), documents sealed in the district court will be maintained under seal in this Court for 14 days, to afford time to request the approval required by section (a) of this operating procedure. Absent a motion from a party these sealed documents will be placed in the public record on 10/23/2017. Motion shall be filed by 10/20/2017 [33] [6874392] [17-1790] (RT)
1 pg, 102.69 KB
- 10/20/2017 [34](#) Motion filed by Appellant John K. Maclver Institute for Public Policy, Inc. to Retain Documents Under Seal. [34] [6878104] [17-1790] (Greim, E.)
170 pg, 7.21 MB
- 10/23/2017 [35](#) Filed Response by Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter to motion to retain under seal and OP 10(a) order. [35][6878390] [17-1790] (Bertocchi, Joel)
3 pg, 71.12 KB

10/24/2017	<input type="checkbox"/> 36 1 pg, 98.27 KB	ORDER re: 1. Plaintiff-appellant John K. Maciver Institute's motion to retain documents under seal. 2. Appellees' response to appellant's motion to retain documents under seal, and response to the court's OP 10(a) order. The motion is GRANTED to the extent that the clerk of this court shall maintain under seal documents no. 37-5, 53, and 54. The clerk of this court shall file on the public record the tendered redacted copies of documents no. 37-5, 53, and 54. Documents no. 34, 45, 46, 47, 48, 49, and 63, as well as the remaining portions of document no. 37, shall be unsealed and placed on the public record. [34] SAW [36] [6878673] [17-1790] (CR)
10/31/2017	<input type="checkbox"/> 37 1 pg, 31.36 KB	Received argument confirmation from Joel D. Bertocchi for Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter. [37] [6880382] [17-1790] (Bertocchi, Joel)
10/31/2017	<input type="checkbox"/> 38 1 pg, 263.76 KB	Received argument confirmation from Edward D. Greim for Appellant John K. MacIver Institute for Public Policy, Inc.. [38] [6880535] [17-1790] (Greim, E.)
11/06/2017	<input type="checkbox"/> 39 31 pg, 460.99 KB	Filed Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter Citation of Additional Authority, per Circuit Rule 28(e). Argument set for: 11/08/2017. [39] [6882025] [17-1790] (Knott, Douglas)
11/08/2017	<input type="checkbox"/> 40	Case heard and taken under advisement by panel: Diane P. Wood, Chief Judge; Joel M. Flaum, Circuit Judge and David F. Hamilton, Circuit Judge. [40] [6882588] [17-1790] (CAC)
11/08/2017	<input type="checkbox"/> 41	Case argued by Mr. E. Dean Greim for Appellant John K. MacIver Institute for Public Policy, Inc. and Joel D. Bertocchi for Appellees Bruce Landgraf, John T. Chisholm, David Robles and Francis D. Schmitz. [41] [6882589] [17-1790] (CAC)
11/15/2017	<input type="checkbox"/> 42 84 pg, 3.91 MB	Filed Response by Appellant John K. MacIver Institute for Public Policy, Inc. to Defendants' Rule 28(j) Letter. [42][6883930] [17-1790] (Greim, E.)
11/21/2017	<input type="checkbox"/> 43 2 pg, 76.87 KB	Filed Response by Appellees John T. Chisholm, Bruce Landgraf, David Robles, Francis D. Schmitz and Robert Stelter to oral argument questions and letter from opposing counsel. [43][6885467] [17-1790] (Bertocchi, Joel)
03/21/2018	<input type="checkbox"/> 44 21 pg, 212.1 KB	Filed opinion of the court by Judge Wood. Because all defendants are entitled to the SCA's good-faith defense and qualified immunity, the judgment of the district court is AFFIRMED. Diane P. Wood, Chief Judge; Joel M. Flaum, Circuit Judge and David F. Hamilton, Circuit Judge. [44] [6912249] [17-1790] (MM)
03/21/2018	<input type="checkbox"/> 45 1 pg, 88.39 KB	ORDER: Final judgment filed per opinion. With costs: yes. [45] [6912256] [17-1790] (MM)

- Documents and Docket Summary
 Documents Only

 Include Page NumbersSelected Pages: Selected Size:

Totals reflect accessible documents only and do not include unauthorized restricted documents.

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