

Lafayette County Case Number 2016CV000006 Lisa Kivirist et al vs. Wisconsin Department of Agriculture

Case summary

Filing date 01-13-2016	Case type Civil	Case status Closed - Electronic filing
Class code description Declaratory Judgment	Responsible official Jorgenson, Duane M.	

Party summary

Party type	Party name	Party status
Plaintiff	Kivirist, Lisa	
Plaintiff	Marion, Kriss	
Plaintiff	Ends, Dela	
Defendant	Wisconsin Department of Agriculture	
Defendant	Lyon, Interim Secretary, Jeff	
Interested parties plaintiff	Smith, Erica	
Interested parties plaintiff	Bindas, Michael	Withdrawn

Parties

Plaintiff: Kivirist, Lisa

Date of birth	Sex	Race
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Address (last updated 01-13-2016)
W7843 County Road P, Browntown, WI 53522

Attorneys

Attorney name	Guardian ad litem	Entered
Dean, Michael D	No	01-13-2016
Smith, Erica	No	06-06-2017
Bindas, Michael	No	06-07-2017
Richie, Isaiah M.	No	02-10-2021

Plaintiff: Marion, Kriss

Date of birth

Sex

Race

Address (last updated 01-13-2016)

1784 County Road H, Blanchardville, WI 53516

Attorneys

Attorney name	Guardian ad litem	Entered
Dean, Michael D	No	01-13-2016
Smith, Erica	No	06-06-2017
Bindas, Michael	No	06-07-2017
Richie, Isaiah M.	No	02-10-2021

Plaintiff: Ends, Dela

Date of birth

Sex

Race

Address (last updated 01-13-2016)

910 Scotch Hill Road, Brodhead, WI 53520

Attorneys

Attorney name	Guardian ad litem	Entered
Dean, Michael D	No	01-13-2016
Smith, Erica	No	06-06-2017
Bindas, Michael	No	06-07-2017
Richie, Isaiah M.	No	02-10-2021

Defendant: Wisconsin Department of Agriculture

Date of birth

Sex

Race

Address (last updated 01-13-2016)

2811 Agriculture Drive, Trade & Consumer Protection, Madison, WI 53718

Attorneys

Attorney name	Guardian ad litem	Entered
Schimmel, Brad David	No	03-02-2016
Keckhaver, Karla Zahorik	No	03-02-2016
Gibson, Charlotte	No	03-02-2016
Johnson-Karp, Gabe	No	03-02-2016

Defendant: Lyon, Interim Secretary, Jeff

Date of birth **Sex** **Race**

Address (last updated 01-13-2016)

2811 Agriculture Drive, Secretary of Wis. Dept. of Ag, Madison, WI 53718

Attorneys

Attorney name	Guardian ad litem	Entered
Schimmel, Brad David	No	03-02-2016
Keckhaver, Karla Zahorik	No	03-02-2016
Gibson, Charlotte	No	03-02-2016
Johnson-Karp, Gabe	No	03-02-2016

Also known as

Name	Type	Date of birth
Ben Brancel	Previously known as	

Interested parties plaintiff: Smith, Erica

Date of birth **Sex** **Race**

Address (last updated 05-04-2016)

901 N. Glebe Road, Suite 900, Institute for Justice, Arlington, VA 22203

Interested parties plaintiff: Bindas, Michael - Withdrawn

Date of birth **Sex** **Race**

Address (last updated 05-04-2016)

10500 NE 8th Street, #1760, Institute for Justice, Bellevue, WA 98004

Court record

Date	Event	Court official	Court reporter	Amount
06-18-2021	Transcript	Jorgenson, Duane M.		
Additional text:				
Transcript - Contempt Hearing held on May 20, 2021				
06-14-2021	Order	Jorgenson, Duane M.		
06-04-2021	Order	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
	Additional text:			
	Order from 05/20/2021			
05-25-2021	Letters/correspondence			
	Additional text:			
	To Judge Jorgenson from Assistant Attorney General Gabe Johnson-Karp			
05-25-2021	Proposed Order	Jorgenson, Duane M.		
05-25-2021	Proposed Order	Jorgenson, Duane M.		
05-20-2021	Video conferencing	Jorgenson, Duane M.		
05-20-2021	Order to show cause hearing	Jorgenson, Duane M.	Harding, Toni	

Date	Event	Court official	Court reporter	Amount
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Additional text:

01:18 PM

Attorney Erica Smith appeared by video means for Plaintiff Kriss Marion, Plaintiff Lisa Kivirist, and Plaintiff Dela Ends. Attorney Karla Zahorik Keckhaver appeared by video means for Defendant Wisconsin Department of Agriculture and Defendant Jeff Lyon, Interim Secretary. Attorney Gabe Johnson-Karp appeared by video means for Defendant Wisconsin Department of Agriculture and Defendant Jeff Lyon, Interim Secretary. Plaintiff Lisa Kivirist appeared by video means. Plaintiff Dela Ends appeared by video means. Attorney Isaiah M. Richie appeared by video means for Plaintiff Kriss Marion, Plaintiff Lisa Kivirist, and Plaintiff Dela Ends. Stacy Beduhn appears via zoom. Suranjan Sen appears via zoom.

Court reviews file and court procedures.

Attorney Smith makes a statement; request to have opening statement and have a ruling today.

Attorney Johnson-Karp concurs.

Attorney Smith makes opening statement.

Attorney Johnson-Karp responds.

Court questions Attorney Johnson-Karp.

Attorney Johnson-Karp makes a statement.

Court questions Attorney Smith.

Attorney Smith requests an order; stating the Defendants need to comply with the order and clarification with the previous order.

Attorney Johnson-Karp responds to the request.

Attorney Smith argues.

Attorney Johnson-Karp makes a statement.

Attorney Johnson-Karp states position on the contempt filed.

Attorney Smith states position for the contempt and makes a statement regarding clarification.

Court denies request for finding in contempt and clarification to be completed.

Attorney Smith requests Defendants to clarify matter on their website.

Attorney Johnson-Karp concurs.

Attorney Johnson-Karp to prepare the order.

05-17-2021	Response/reply	Jorgenson, Duane M.		
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Additional text:

Defendants Response to Motion to Show Cause

05-11-2021	Withdrawn party for Bindas, Michael			
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05-11-2021	Notice	Jorgenson, Duane M.		
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Additional text:

of Withdrawal

Date	Event	Court official	Court reporter	Amount
05-07-2021	Notice of hearing returned Additional text: Michael Bondas - OTSC 05/20/2021			
04-23-2021	Notice of hearing Additional text: Order to show cause hearing on May 20, 2021 at 01:15 pm.			
02-22-2021	Exhibit Additional text: Application and Proof of Payment	Jorgenson, Duane M.		
02-22-2021	Affidavit Additional text: of Suranjan Sen	Jorgenson, Duane M.		
02-22-2021	Affidavit Additional text: of Isaiah M. Richie in Support of Motion to Admit Suranjan Sen Pro Hac Vice	Jorgenson, Duane M.		
02-22-2021	Motion Additional text: to Admit Suranjan Sen Pro Hac Vice	Jorgenson, Duane M.		
02-10-2021	Motion Additional text: Petitioner's Motion to Show Cause	Jorgenson, Duane M.		
02-10-2021	Exhibit Additional text: Supplemental Decision from 10-02-2017			
02-10-2021	Brief in support of motion Additional text: To Show Cause			
02-10-2021	Exhibit			

Date	Event	Court official	Court reporter	Amount
	Additional text: Transcript on Decision from 5-31-2017			
02-10-2021	Exhibit			
	Additional text: Final Order and Judgment filed 9-29-2017			
02-10-2021	Exhibit			
	Additional text: Order Denying Motion For Clarification and Denial of Motion for Limited Reconsideration dated 2-26-2018			
02-10-2021	Notice of retainer			
02-10-2021	Electronic Notice Update			
02-26-2018	Order	Jorgenson, Duane M.		
	Additional text: Denying Motion for Clarification and Denial of Motion for Limited Reconsideration			
02-16-2018	Telephone message			
	Additional text: Telephone Message.			
02-08-2018	Letters/correspondence	Jorgenson, Duane M.		
	Additional text: Plaintiff's response to Defendant's request for teleconference			
02-06-2018	Letters/correspondence	Jorgenson, Duane M.		
	Additional text: requesting phone appearance			
01-05-2018	Received documents			
11-17-2017	Answer	Jorgenson, Duane M.		
11-09-2017	Response/reply			
	Additional text: to DATCP's Motion for Clarification			
11-07-2017	Motion	Jorgenson, Duane M.		
10-02-2017	Other	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
10-02-2017	Decision	Jorgenson, Duane M.		
	Additional text: SUPPLEMENTAL DECISION			
09-29-2017	Order	Jorgenson, Duane M.		
	Additional text: FINAL ORDER AND JUDGMENT			
09-05-2017	Order	Jorgenson, Duane M.		
	Additional text: to amend caption			
09-05-2017	Letters/correspondence	Jorgenson, Duane M.		
09-05-2017	Proposed Order	Jorgenson, Duane M.		
08-30-2017	Letters/correspondence	Jorgenson, Duane M.		
08-21-2017	Letters/correspondence	Jorgenson, Duane M.		
08-04-2017	Other papers	Jorgenson, Duane M.		
	Additional text: Second Supplement to Plaintiffs' Motion for Clarification or Reconsideration			
07-26-2017	Prop. Order Denied	Jorgenson, Duane M.		
07-26-2017	Prop. Order Denied	Jorgenson, Duane M.		
07-26-2017	Oral arguments	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>Case called at 9:05 a.m. Attorney Erica Smith in court for Plaintiff Lisa Kivirist, Plaintiff Kriss Marion, and Plaintiff Dela Ends. Attorney Gabe Johnson-Karp in court for Defendant Wisconsin Department of Agriculture and Defendant Ben Brancel. Attorney Karla Zahorik Keckhaver in court for Defendant Wisconsin Department of Agriculture and Defendant Ben Brancel.</p> <p>Oral Argument by Attorney Erica Smith</p> <p>Oral Argument Response by Attorney Gabe Johnson-Karp</p> <p>Response by Attorney Erica Smith</p> <p>The Court directs counsel</p> <p>grant leave or opportunity to include additional plaintiffs -</p> <p>Proposed amendments will be submitted next week - August 4, 2017</p> <p>Response to amendments will be submitted 2-3 weeks from the date amendments are submitted - September 1, 2017</p> <p>Response to defendant's amendments to be submitted - September 12, 2017</p> <p>Once all are received the Court will determine as to the amendments and then this matter will be scheduled for further proceedings</p> <p>Once the briefs and filings are submitted, The Court will review and Court will issue a determination on the motion</p> <p>All other orders are subject to review</p>			
07-13-2017	Other papers			
	<p>Additional text:</p> <p>Media Request for Cameras in the Courtroom - CBS News</p>			
06-29-2017	Notice of hearing			
	<p>Additional text:</p> <p>Oral arguments on July 26, 2017 at 09:00 am.</p>			
06-27-2017	Notice	Jorgenson, Duane M.		
	<p>Additional text:</p> <p>of new authority</p>			
06-27-2017	Other papers	Jorgenson, Duane M.		
	<p>Additional text:</p> <p>Trump v. International Refugee Assistance Project</p>			
06-26-2017	Letters/correspondence	Jorgenson, Duane M.		
06-23-2017	Letters/correspondence	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
	Additional text:			
	Defendants letter to Court re: Plaintiffs motion for reconsideration			
06-23-2017	Proposed Order	Jorgenson, Duane M.		
06-22-2017	Other papers	Jorgenson, Duane M.		
	Additional text:			
	supplement to Plaintiffs' motion for clarification or reconsideration			
06-22-2017	Other papers			
	Additional text:			
	CLARIFICATION OF FINAL ORDER			
06-21-2017	Motion	Jorgenson, Duane M.		
	Additional text:			
	for clarification or reconsideration			
06-21-2017	Affidavit	Jorgenson, Duane M.		
	Additional text:			
	Exhibit B to the Affidavit of Erica Smith in support of Plaintiff's motion for clarification or reconsideration			
06-21-2017	Affidavit	Jorgenson, Duane M.		
	Additional text:			
	of Erica Smith in support of Plaintiff's motion for clarification or reconsideration			
06-21-2017	Affidavit	Jorgenson, Duane M.		
	Additional text:			
	Exhibit A to the Affidavit of Erica Smith in support of Plaintiff's motion for clarification or reconsideration			
06-20-2017	Letters/correspondence	Jorgenson, Duane M.		
	Additional text:			
	plans to move for reconsideration			
06-20-2017	Order	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
	Additional text: Final Order			
06-19-2017	Other papers	Jorgenson, Duane M.		
	Additional text: attachment fo motion for clarification			
06-19-2017	Proposed Order	Jorgenson, Duane M.		
06-19-2017	Motion	Jorgenson, Duane M.		
	Additional text: for clarification of reconsideration			
06-16-2017	Order	Jorgenson, Duane M.		
06-14-2017	Prop. Order Denied	Jorgenson, Duane M.		
06-14-2017	Prop. Order Denied	Jorgenson, Duane M.		
	Additional text: proposed order rejected			
06-14-2017	Prop. Order Denied	Jorgenson, Duane M.		
	Additional text: proposed order rejected			
06-13-2017	Affidavit	Jorgenson, Duane M.		
	Additional text: of Erica Smith in support of Plaintiffs' response			
06-13-2017	Affidavit	Jorgenson, Duane M.		
	Additional text: of Erica Smith - Exhibit A			
06-13-2017	Affidavit	Jorgenson, Duane M.		
	Additional text: of Erica Smith - exhibit B			
06-13-2017	Response/reply	Jorgenson, Duane M.		

Date	Event	Court official	Court reporter	Amount
	Additional text: Plaintiffs' response to Defendants' objection to Plaintiffs' proposed order and Plaintiffs' objection Defendants' proposed order			
06-12-2017	Letters/correspondence	Jorgenson, Duane M.		
	Additional text: with proposed order			
06-12-2017	Proposed Order	Jorgenson, Duane M.		
06-09-2017	Letters/correspondence	Jorgenson, Duane M.		
	Additional text: Letter to Judge re: Stay			
06-07-2017	Electronic Notice Update			
06-06-2017	Notice of retainer	Jorgenson, Duane M.		
06-06-2017	Electronic Notice Update			
06-06-2017	Notice of retainer	Jorgenson, Duane M.		
06-01-2017	Electronic Filing Notice Mailed			
05-31-2017	Mandatory Efiling Case Conversion			
05-31-2017	Oral ruling	Jorgenson, Duane M.		
05-31-2017	Other papers			
	Additional text: Media Request from WISC-TV			
05-12-2017	Stipulation			
	Additional text: an affidavit of Jaqueline Owens			
05-12-2017	Transcript			
	Additional text: Motion hearing - April 27, 2017			
04-27-2017	Notice of hearing			
	Additional text: Oral ruling on May 31, 2017 at 03:00 pm.			
04-27-2017	Motion hearing	Jorgenson, Duane M.		
04-24-2017	Received documents			

Date	Event	Court official	Court reporter	Amount
04-24-2017	Affidavit Additional text: of Karla Z. Keckhaver (with attached Exhibits A, B and C)			
04-24-2017	Response/reply Additional text: Defendant's Response to Plaintiffs' Motion to Strike or Exclude Documents and Testimony			
04-06-2017	Received documents			
04-06-2017	Brief of Defendant Additional text: Defendant's reply brief in support of their motion for summary judgment			
03-23-2017	Affidavit Additional text: of Erica Smith in Support of Motion to Strike or Exclude Exhibits A, B, C, D, E, F, G Unpublished Cases (7)			
03-23-2017	Certificate of service			
03-23-2017	Brief Additional text: Plaintiffs' Brief in Support of Their Motion to Strike or Exclude Documents Appended to, and Testimony in Certain Paragraphs of, The Affidavit of Jacqueline C. Owens			
03-23-2017	Notice of motion, motion Additional text: Plaintiffs' Notice of Motion and Motion to Strike or Exclude Documents Appended to, and Testimony in Certain Paragraphs of, The Affidavit of Jacqueline C. Owens			
03-22-2017	Received documents			
03-22-2017	Certificate of service			
03-22-2017	Affidavit Additional text: Second Affidavit of Erica Smith and attached Exhibit 33			
03-22-2017	Response/reply Additional text: Plaintiffs' Response to Defendants' Motion for Summary Judgment and Reply in Support of Plaintiffs' Motion For Summary Judgment			
03-20-2017	Notice of hearing			

Date	Event	Court official	Court reporter	Amount
	Additional text:			
	Motion hearing on April 27, 2017 at 09:00 am.			
03-07-2017	Received documents			
	Additional text:			
	letter from WI DOJ, find enclosed Notice of Motion and Motion for Summary Judgement, Defendant's Brief in Support of Motion for Summary Judgement and Response to Plaintiff's Motion for Summary Judgement, Affidavit of Jacqueline C Owens with exhibits 100-125, Affidavit of Gabe Johnson-Karp with Exhibits 126-137			
03-07-2017	Affidavit			
	Additional text:			
	of Gabe Johnson-Karp			
03-07-2017	Affidavit			
	Additional text:			
	of Jacqueline C. Owens			
03-07-2017	Brief of Defendant			
	Additional text:			
	Defendants' Brief in Support of their motion for summary judgment and response to Plaintiffs' motion for summary judgment			
03-07-2017	Notice of motion, motion			
	Additional text:			
	Defendants' Notice of Motion and Motion for Summary Judgment			
02-20-2017	Received documents			
02-17-2017	Affidavit			
	Additional text:			
	of Erica Smith - with exhibits 1 thru 32			
02-17-2017	Affidavit			
	Additional text:			
	of Lisa Kivirist			
02-17-2017	Affidavit			
	Additional text:			
	of Kriss Marion			
02-17-2017	Affidavit			

Date	Event	Court official	Court reporter	Amount
	Additional text: of Dela Ends			
02-17-2017	Memorandum Additional text: Plaintiffs' Memorandum in support of motion for summary judgment			
02-17-2017	Other papers Additional text: copy of unpublished case Ghaleb Ibrahim et al v. City of Milwaukee (Milwaukee Co. Circuit Court, Case No. 11-CV-15178)			
01-26-2017	Order Additional text: extend deadlines for the parties to file motions for summary judgment and subsequent briefing	Jorgenson, Duane M.		
01-26-2017	Letters/correspondence Additional text: with email agreeing to motion			
01-23-2017	Certificate of service			
01-23-2017	Motion Additional text: Agreed motion to extend deadlines for motions for summary judgment			
08-12-2016	Received documents Additional text: Letter from State of Wisconsin Department of Justice stating enclosure of Defendant's Lay Witness List			
08-12-2016	Witness list - defendant			
06-15-2016	Certificate of service			
06-15-2016	Received documents Additional text: Letter from Erica Smith stating enclosure of Proposed Scheduling Order			
06-15-2016	Prop. scheduling order			
06-08-2016	Scheduling conference	Jorgenson, Duane M.	Whalen, Brian	

Date	Event	Court official	Court reporter	Amount
	Additional text:			
	<p>1:04 PM case called. Attorney Erica Smith, in court for Plaintiff Lisa Kivirist, Plaintiff Kriss Marion, and Plaintiff Dela Ends. Attorney Gabe Johnson-Karp and Attorney Carla Keckhaber in court for Defendant Wisconsin Department of Agriculture and Defendant Ben Brancel. Defendant & Plaintiff Lay disclosed by August 12, 2016. Plaintiffs' Disclosure of Expert Witnesses due September 30, 2016. Defendants' Disclosure of Expert Witnesses due October 28, 2016. Discovery Cut-Off is December 15, 2016. Plaintiffs' Dispositive Motions & Briefs due January 31, 2017. Defendants' Dispositive Motions & Briefs due February 28, 2017. Response time for Plaintiff is March 15, 2017. Defendants' Final Response is May 30, 2017. Attorney Smith to prepare order from today's hearing for the Court's signature. Court Trial is set for June 8th and 9th, 2017.</p>			
06-07-2016	Received documents			
	Additional text:			
	<p>Letter from State of Wisconsin Department of Justice Assistant Attorney General Gabe Johnson-Karp stating enclosure of Defendants' Scheduling Data Sheet</p>			
06-07-2016	Scheduling data sheet			
	Additional text:			
	<p>From Gabe Johnson-Karp, Assistant Attorney General</p>			
06-01-2016	Scheduling data sheet			
06-01-2016	Received documents			
	Additional text:			
	<p>Letter from Institute for Justice stating enclosure of Plaintiffs' Scheduling Date Sheet</p>			
04-28-2016	Received documents			
	Additional text:			
	<p>Letter from State of Wisconsin Department of Justice stating enclosure of Motion to Reset Scheduling Conference</p>			
04-28-2016	Motion			
	Additional text:			
	<p>to reset scheduling conference date</p>			
04-28-2016	Notice of hearing			
	Additional text:			
	<p>Scheduling conference on June 8, 2016 at 01:00 pm.</p>			
04-22-2016	Notice of hearing			

Date	Event	Court official	Court reporter	Amount
	Additional text:			
	Scheduling conference on May 20, 2016 at 09:00 am.			
03-02-2016	Received documents			
	Additional text:			
	Letter with defendant's answer & affirmative defenses			
03-02-2016	Answer and affirmative defense			
	Additional text:			
	Defendant's			
01-27-2016	Affidavit/Declaration of Service			
	Additional text:			
	Attorney General, Brad Schimel, Wisconsin Department of Justice, Representative Dean Knudson, Senator Stecen L. Nass, Representative Joan Ballweg, Department of Agriculture, Trade & Consumer Protection & Ben Brancel, Secretary of the Wisconsin Department of Agriculture			
01-18-2016	Order	Jorgenson, Duane M.		
	Additional text:			
	Granting Motion To Appear Pro Hac Vice			
01-13-2016	Received documents			
01-13-2016	File Retained Electronically			
01-13-2016	Motion			
	Additional text:			
	To Admit Erica Smith & Michael Bindas Pro Hac Vice			
01-13-2016	Affidavit			
	Additional text:			
	of: Michael D. Dean In Support Of Motion To Admit Erica Smith & Michael Bindas POR HAC VICE			
01-13-2016	Affidavit			
	Additional text:			
	of: Erica Smith			
01-13-2016	Affidavit			
	Additional text:			
	of: Michael Bindas			

Date	Event	Court official	Court reporter	Amount
01-13-2016	Filing fee paid			\$164.50
	Additional text:			
	16R 000128			
01-13-2016	Summons and complaint			