

[1:04cv986, Avery V. Manitowoc County Et Al](#)

US District Court Docket  
United States District Court, Wisconsin Eastern  
(Green Bay)

This case was retrieved on **06/21/2022**

## Header

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<b>Case Number:</b> 1:04cv986	<b>Class Code:</b> Closed
<b>Date Filed:</b> 10/12/2004	<b>Closed:</b> 04/28/2006
<b>Assigned To:</b> Judge Lynn Adelman	<b>Statute:</b> 42:1983
<b>Nature of Suit:</b> Other Civil Rights (440)	<b>Jury Demand:</b> Both
<b>Cause:</b> Civil Rights Act	<b>Demand Amount:</b> \$0
<b>Lead Docket:</b> None	<b>NOS Description:</b> Other Civil Rights
<b>Other Docket:</b> None	
<b>Jurisdiction:</b> Federal Question	

## Participants

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### Litigants

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Steven A Avery  
**Plaintiff**

Manitowoc County  
**Defendant**

### Attorneys

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## Litigants

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Thomas H Kocourek  
individually and in his official capacity as Sheriff of Manitowoc  
County |  
**Defendant**

## Attorneys

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**Litigants**

Denis R Vogel  
 individually with respect only to his executive, administrative  
 and advice and counsel functions and in his official capacity  
 as District Attorney of Manitowoc County |  
**Defendant**

Stephen M Glynn  
**Respondent**

Walter F Kelly  
**Respondent**

Gingras Cates & Luebke SC  
**Claimant**

State Farm Fire and Casualty Company

**Attorneys**

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**Litigants**

[Terminated: 02/16/2006]  
**Intervenor**

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**Proceedings**

#	Date	Proceeding Text	Source
1	10/12/2004	COMPLAINT (Summons(es) issued) against Thomas H Kocourek, Manitowoc County, Denis R Vogel filed by Steven A Avery. Consent Forms Distributed for Magistrate Judge Patricia J Gorence. E-File Notification Distributed. Jury Demand. (Filing fee \$ 150) (Attachments: # 1)(mec, ) (Entered: 10/13/2004)	
2	10/12/2004	CERTIFICATE of Interest by Steven A Avery. (mec, ) (Entered: 10/13/2004)	
3	10/12/2004	REFUSAL of Consent to Jurisdiction by US Magistrate Judge by Steven A Avery. (mec, ) (Entered: 10/13/2004)	
4	12/10/2004	ANSWER to Complaint and Affirmative Defenses by Thomas H Kocourek, Manitowoc County.(Doyle, Amy)	
5	12/10/2004	CERTIFICATE of Interest by Thomas H Kocourek, Manitowoc County. (Doyle, Amy)	
6	12/10/2004	refusal to Jurisdiction by US Magistrate Judge by Thomas H Kocourek, Manitowoc County (Doyle, Amy)	
7	12/10/2004	CERTIFICATE OF SERVICE by Thomas H Kocourek, Manitowoc County (Doyle, Amy)	
8	12/10/2004	ANSWER to Complaint with Jury Demand by Manitowoc County, Denis R Vogel.(Kaiser, Amanda)	
9	12/13/2004	Docket Annotation: E-mail to Attorney Kaiser regarding signature on docket entry 8 . (cav, )	
10	12/13/2004	CERTIFICATE of Interest by Manitowoc County, Denis R Vogel. (Kaiser, Amanda)	
11	12/13/2004	REFUSAL to consent to Jurisdiction by US Magistrate Judge by Manitowoc County, Denis R Vogel (Kaiser, Amanda) Modified on 12/14/2004 to reflect correct event (cav, ).	
12	12/13/2004	LETTER from the Court to Counsel regarding possible conflict. See letter for full detail. (cc: All Counsel) (Griesbach, William)	
13	12/17/2004	LETTER from Steve Glynn (Glynn, Stephen)	
14	12/20/2004	Docket Annotation. CMECF Mail sent to Attorney Stephen Glynn regarding s/ e-filing of signature on Letter 13 . (mec, )	
15	12/21/2004	LETTER from Raymond J. Pollen regarding position on judicial disqualification (Pollen, Raymond)	
16	12/22/2004	LETTER from Amanda J. Kaiser regarding position on judicial disqualification (Kaiser, Amanda)	
17	12/23/2004	LETTER from Attorney Amanda Kaiser for Manitowoc County and Denis Vogel responding to Court's letter of 12/13/2004 and stating they do not believe there is cause for Court's disqualification. (mec, )	
18	12/28/2004	NOTICE of Hearing: Rule 16 Telephone Scheduling Conference set for 3/3/2005 09:00 AM before Judge William C Griesbach. (cc: all counsel)(tlf, )	
19	01/13/2005	NOTICE of Appearance by Timothy A Bascom on behalf of Manitowoc County. Attorney(s) appearing: Timothy A. Bascom	

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#	Date	Proceeding Text	Source
		(Bascom, Timothy)	
20	02/24/2005	DOCKETED IN ERROR - DUPLICATE ENTRY See Document No. 22 - as Report from All Parties (Kelly, Walter) Modified on 2/25/2005 to correct duplicate docket entry (mec, ).	
21	02/24/2005	CERTIFICATE OF SERVICE by all plaintiffs (Kelly, Walter)	
22	02/24/2005	REPORT of Rule 26(f) Plan by all parties (Kelly, Walter)	
23	03/03/2005	Minute Entry for proceedings held before Judge William C Griesbach : Scheduling Conference held on 3/3/2005 . Court adopts parties' Rule 26 Report and will file order. Court advises parties of relative that works for the Manitowoc County D.A. If parties feel there is any conflict as case progresses they should notify the Court. (mec, )	
24	03/04/2005	SCHEDULING ORDER: signed by Judge William C Griesbach on March 4, 2005. (cc: all counsel)(Griesbach, William)	
25	06/15/2005	STIPULATION for Protective Order by all parties (Kaiser, Amanda)	
26	06/15/2005	DOCUMENT FILED IN ERROR - PROPOSED Protective Order filed by all parties. (Kaiser, Amanda) Modified on 6/16/2005 (cav, ).	
27	06/16/2005	Docket Annotation: E-mail to Ms Kaiser re: entry 26 proposed order. (cav, )	
28	06/16/2005	PROTECTIVE ORDER signed by Judge William C Griesbach on June 16, 2005. (cc: all counsel)(Griesbach, William) (Entered: 06/17/2005)	
29	07/27/2005	STIPULATION FOR PROTECTIVE ORDER by all parties. (Attachments: # 1 Text of Proposed Order)(mec, )	
30	07/28/2005	PROTECTIVE ORDER based upon parties' 29 stipulation signed by Judge William C Griesbach on July 28, 2005. (cc: all counsel)(Griesbach, William)	
	07/28/2005	Copy of Protective Order 30 sent via U.S. Mail to James A. Wyss, City Attorney/Personnel Director. (mec, )	
31	08/03/2005	LETTER from Attorney Robert McCracken filing a notice of retainer, certificate of interest, and certificate by electronic filing (McCracken, Robert)	
32	08/03/2005	NOTICE of Appearance by Robert L McCracken on behalf of Thomas H Kocourek. Attorney(s) appearing: Robert L. McCracken (McCracken, Robert)	
33	08/03/2005	CERTIFICATE of Interest by Thomas H Kocourek. (McCracken, Robert)	
34	08/03/2005	CERTIFICATE OF SERVICE by Thomas H Kocourek by electronic filing (McCracken, Robert)	
35	08/18/2005	LETTER from Attorney John F. Mayer Filing notice of retainer, certificate of interest, and certificate by electronic filing on behalf of defendant, Mr. Kocourek (Mayer, John)	
36	08/18/2005	NOTICE of Appearance by John F Mayer on behalf of Thomas H Kocourek. Attorney(s) appearing: John F. Mayer (Mayer, John)	
37	08/18/2005	CERTIFICATE of Interest by Thomas H Kocourek. (Mayer, John)	
38	08/18/2005	CERTIFICATE OF SERVICE by Thomas H Kocourek By Electronic Filing (Mayer, John)	
39	08/22/2005	LETTER from Attorney Robert McCracken requesting he be removed from the electronic filing system (McCracken, Robert)	
40	08/26/2005	STIPULATION modifying proposed discovery plan by Manitowoc County (Attachments: # 1 Proposed Order)(Bascom, Timothy)	
42	09/06/2005	ORDER approving 40 Stipulation modifying the discovery plan as set forth in paragraph D of the parties' Joint Rule 26(f) report signed by Judge William C Griesbach on September 6, 2005. (cc:	

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#	Date	Proceeding Text	Source
		all counsel)(Griesbach, William) (Entered: 09/07/2005)	
41	09/07/2005	Docket Annotation. CMECF Email sent to Attorney Bascom regarding electronic signatures for Stipulation 40 . (mec, )	
43	09/26/2005	ORDER OF RECUSAL Judge William C Griesbach recused, signed by Judge William C Griesbach on September 26, 2005. Case reassigned to Judge Lynn Adelman for all further proceedings. (cc: all counsel)(Griesbach, William) (Entered: 09/27/2005)	
	09/27/2005	TRANSMIT File. (mec, )	
44	10/04/2005	Amended ANSWER to Complaint with Jury Demand by Manitowoc County, Denis R Vogel.(Kaiser, Amanda)	
45	10/26/2005	Minute Entry for proceedings held before Judge Lynn Adelman : Telephonic Conference re deposition dispute held on 10/26/2005 . (Deposition of Thomas Kacourek) Court orders witness to answer the questions. The parties may later brief admissibility issue. (rpz, )	
46	12/02/2005	STIPULATION MODIFYING DISCOVERY PLAN by Manitowoc County (Attachments: # 1 Text of Proposed Order modifying discovery plan)(Bascom, Timothy)	
	01/10/2006	MARGIN ORDER to doc. #46 granting modification of parties' stipulated discovery plan signed by Judge Lynn Adelman on 1/9/06. (cc: all counsel)(Wesolek, Marie)	
47	02/13/2006	Minute Entry for proceedings held before Judge Lynn Adelman : Telephonic Status Conference held on 2/13/2006 . Parties have settled and will submit proposed order. (rpz, ) (Entered: 02/14/2006)	
48	02/14/2006	STIPULATION of Dismissal by Steven A Avery, Manitowoc County, Thomas H Kocourek, Denis R Vogel (Attachments: # 1 proposed order)(Pollen, Raymond)	
49	02/15/2006	MOTION to Intervene by State Farm Fire & Casualty Company. (rpz, )	
50	02/15/2006	BRIEF in Support re 49 MOTION to Intervene filed by State Farm Fire & Casualty Company. (rpz, )	
51	02/15/2006	AFFIDAVIT of Jane L Kirkeide (rpz, )	
52	02/15/2006	(INTERVENOR) COMPLAINT for Declaratory Judgment filed by State Farm Fire & Casualty Company.(rpz, )	
53	02/16/2006	MOTION to Withdraw Motion to Intervene by State Farm Fire & Casualty Company. (Kirkeide, Jane)	
54	02/16/2006	ORDER dismissing plaintiff's claims against defendants pursuant to parties' stipulation and agreement; court retains jurisdiction over case concerning disposition of percentage of settlement for attorneys' fees and costs. Telephone status conference scheduled for 2/21/06 at 10:30 a.m. signed by Judge Lynn Adelman on 2/16/06. (cc: all counsel)(Wesolek, Marie)	
55	02/21/2006	Minute Entry for proceedings held before Judge Lynn Adelman : Telephonic Status Conference held on 2/21/2006. Briefing schedule through 3/23/06. Hearing set for 4/5/2006 10:30 AM (if necessary) before Judge Lynn Adelman. (rpz, ) (Entered: 02/22/2006)	
56	03/03/2006	BRIEF of Gingras, Cates & Luebke in Support of Order to Show Cause for Attorney's Lien filed by Steven A Avery. (Attachments: # 1 Affidavit Robert J. Gingras# 2 Affidavit Paul Kinne Affidavit)(Gingras, Robert)	
57	03/03/2006	CERTIFICATE OF SERVICE by Steven A Avery of Brief in Support of Order to Show Cause, Affidavit of Robert Gingras and Affidavit of Paul Kinne (Gingras, Robert)	
58	03/03/2006	BRIEF of GCL in Support of Order to Show Cause for Atty's Lien	

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#	Date	Proceeding Text	Source
		(with cites provided) filed by Steven A Avery. (Attachments: # 1 Affidavit Gingras Affidavit# 2 Affidavit Kinne Affidavit)(Gingras, Robert)	
59	03/13/2006	BRIEF Brief in Response to Brief of Gingras, Cates & Luebke, S.C. In Support Of Order To Show Cause For Attorney's Lien Pursuant to Section 757.36, Wis. Stats. filed by Steven A Avery. (Fox, Peter)	
60	03/13/2006	BRIEF Affidavit of Walter F. Kelly in Support of Brief in Response to Brief of Gingras, Cates & Luebke, S.C. In Support of Order to Show Cause For Attorney's Lien Pursuant to Section 757.36, Wis. Stats. filed by Steven A Avery. (Attachments: # 1 Exhibit A, Kelly Affidavit# 2 Exhibit B, Kelly Aff.# 3 Exhibit C, Kelly Aff.# 4 Exhibit D, Kelly Aff.# 5 Exhibit E, Kelly Aff.# 6 Exhibit F, Kelly Aff.# 7 Exhibit G, Kelly Aff.# 8 Exhibit H, Kelly Aff.)(Fox, Peter)	
61	03/13/2006	BRIEF Affidavit of Stephen M. Glynn in Support of Brief in Response to Brief of Gingras, Cates & Luebke, S.C. In Support of Order to Show Cause for Attorney's Lien Pursuant to Section 757.36, Wis. Stats. filed by Steven A Avery. (Attachments: # 1 Glynn Bio)(Fox, Peter)	
62	03/13/2006	CERTIFICATE OF SERVICE by Steven A Avery Filed by Michael R. Fox (Fox, Peter)	
63	03/14/2006	AFFIDAVIT of Jeff Scott Olson in Support of Brief in Response to Brief of Gingras, Cates & Luebke, S.C. In Support of Order to Show Cause for Attorney's Lien Pursuant to Section 757.36, Wis. Stats. (Fox, Michael)	
64	03/14/2006	AFFIDAVIT of Michael R. Fox in Support of Brief in Response to Brief of Gingras, Cates & Luebke, S.C. In Support of Order to Show Cause for Attorney's Lien Pursuant to Section 757.36, Wis. Stats. (Attachments: # 1 Exhibit A, B, C, D Fox Affidavit)(Fox, Michael)	
65	03/22/2006	Docket Annotation - e-mail notification to Attorneys Michael and Peter Fox re s/ signatures. (rpz, )	
66	03/23/2006	REPLY re 59 Brief (Non-Motion) in Support of Order to Show Cause for Attorney's Lien Pursuant to ? 757.36, Wis. Stats. filed by Gingras Cates & Luebke SC. (Attachments: # 1 Affidavit)(Gingras, Robert)	
67	03/23/2006	CERTIFICATE OF SERVICE by Gingras Cates & Luebke SC (Gingras, Robert)	
	04/03/2006	NOTICE by the Court: Court hearing scheduled for 4/5/06 at 10:30 a.m. HAS BEEN CHANGED to a telephonic conference (same date and time). The court will initiate the call. (Wesolek, Marie)	
68	04/05/2006	Minute Entry for proceedings held before Judge Lynn Adelman : Telephonic Status Conference held on 4/5/2006. Oral Argument Hearing set for 5/1/2006 01:30 PM before Judge Lynn Adelman. (rpz, ) (Entered: 04/06/2006)	
69	04/28/2006	LETTER from the Court to Attorneys Michael R. Fox and Robert J. Gingras forwarding Memorandum and Order. (cc: All Counsel)	
70	04/28/2006	ORDER signed by Judge Lynn Adelman on 4/28/06 denying Gingras, Cates and Luebke's application for fees. (cc: all counsel)	
71	06/04/2010	LETTER from Sean Fitzgerald Rowell re: copies of the entire file. (cms) (Entered: 06/07/2010)	
72	06/07/2010	LETTER from the clerk's office to Mr. Rowell re: the entire copy of the file. (cms)	

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