

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

JANE DOE #1, a minor,
by her mother and next friend,
JANE DOE #2,

Plaintiff,

**DOCKETING STATEMENT
CASE NO.: 23-2568**

v.

MUKWONAGO AREA SCHOOL DISTRICT,
and JOSEPH KOCH, in his official capacity as
Superintendent of Mukwonago Area School District,

Defendants.

Mukwonago Area School District (“District” or “MASD”) and Joseph Koch,¹ Defendants, by their attorneys, Buelow Vetter Buikema Olson & Vliet, submit the following Docketing Statement pursuant to Circuit Rule 3(c)(1) and 28(a).

I. JURISDICTION OF THE DISTRICT COURT

The district court had jurisdiction over this matter as a civil action arising under the laws of the United States pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) because the matter involves questions of federal statutes, specifically, Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, and its implementing regulations, as well as Constitutional provisions, specifically, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

¹ Because Plaintiff redundantly sued the District and an employee in his official capacity for the same claims, the District is the proper and only party. *See Rascon v. Hardimon*, 803 F.2d 269, 274 (7th Cir. 1986) (stating that, to the extent that the plaintiff sued an individual defendant in his official capacity, that “action operates as a claim against the government entity itself”); *Wurm v. Valders Area Sch. Dist.*, No. 14-CV-1119, 2015 WL 2351487 (E.D. Wis. May 15, 2015) (dismissing the plaintiff’s claims against a defendant in her official capacity as redundant).

II. JURISDICTION OF THE COURT OF APPEALS

This appeal is taken from an interlocutory injunction order of the U.S. District Court for the Eastern District of Wisconsin, entered on July 11, 2023 by the Honorable Lynn Adelman (Case No. 2:23-cv-876). The United States Court of Appeals has jurisdiction to decide this case pursuant to 28 U.S.C. § 1292(a)(1), as this is an appeal of an interlocutory order of a district court of the United States.

The Notice of Appeal was filed with the District Court on August 9, 2023.

III. RELATED APPELLATE PROCEEDINGS

There are no related appellate proceedings in this action.

Dated at Waukesha this 10th day of August, 2023.

Respectfully submitted,

/s/ Joel S. Aziere

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District and Joseph Koch*

*Counsel of Record

**Pending Admission to the United States Court of Appeals for the Seventh Circuit

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2023, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished thereby.

BY: /s/ Joel S. Aziere
Joel S. Aziere (WI Bar No.: 1030823)