

Ashland County Case Number 2022CV000060 KATHY ANN CARGILL vs. CAROL J. RYDBERG et al

Case summary

Filing date 08-05-2022	Case type Civil	Case status Closed - Electronic filing
Class code description Intentional Tort	Responsible official Thimm, Kelly J	Branch ID 1

Party summary

Party type	Party name	Party status
Plaintiff	CARGILL, KATHY ANN	
Defendant	RYDBERG, CAROL J.	
Defendant	KURTA, VINCENT SCOTT	Dismissed

Parties

Plaintiff: CARGILL, KATHY ANN

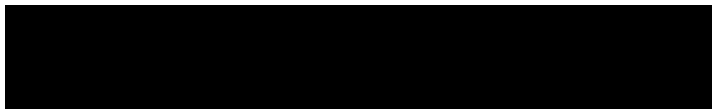
Date of birth	Sex	Race
		

Attorneys

Attorney name	Guardian ad litem	Entered	Withdrawn
Susag, James	No	08-05-2022	
Villaume, Philip Gordon	No	06-12-2023	02-09-2024
Pabarcus, Adam	No	06-13-2023	

Defendant: RYDBERG, CAROL J.

Date of birth Sex Race

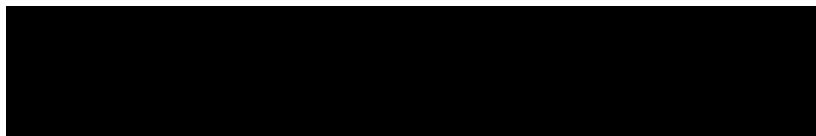


Attorneys

Attorney name	Guardian ad litem	Entered
Villaume, Philip Gordon	No	08-25-2022
Schiek, Jeffrey D.	No	10-03-2022

Defendant: KURTA, VINCENT SCOTT - Dismissed

Date of birth Sex Race



Attorneys

Attorney name	Guardian ad litem	Entered
Kurta, Vincent	No	08-05-2022
Johnson, Terry E.	No	08-29-2022

Court record

Date	Event	Court official	Court reporter	Amount
07-08-2024	Settlement/Stipulation - Before Trial	Thimm, Kelly J		
07-08-2024	Stipulation and Order	Thimm, Kelly J		
07-08-2024	Prop. stipulation and prop. order			
06-04-2024	Order	Thimm, Kelly J		

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>regarding Defendant's Motion for Summary Judgment</p>			
06-04-2024	Proposed Order			
	<p>Additional text:</p> <p>regarding Defendant's Motion for Summary Judgment</p>			
05-30-2024	Video conferencing			
05-30-2024	Motion hearing	Thimm, Kelly J	Malsom, Kathy	
	<p>Additional text:</p> <p>2:32 PM Plaintiff KATHY ANN CARGILL appeared by video. Attorney James Susag appeared by video for KATHY ANN CARGILL. Attorney Adam Pabarcus appeared by video for KATHY ANN CARGILL. Defendant CAROL J. RYDBERG appeared by video. Attorney Philip Gordon Villaume appeared by video for CAROL J. RYDBERG. Attorney Jeffrey D. Schiek appeared by video for CAROL J. RYDBERG. Atty Schiek comments agreement for Ct 3 to be dismissed w/ prejudice. Atty Susag agrees. Court orders: Ct 3 dismissed. Atty Schiek makes argument. Atty Schiek responds. Court frankly says close call whether meets burden - Court finds plenty of issues of material fact here that Court needs to decide - mtn for summary judgment denied - sufficient issues of material fact that Court needs to decide at JT. Court directs Atty Susag to prepare order.</p>			
05-23-2024	Exhibit			
	<p>Additional text:</p> <p>16-31 to James Susag Declaration</p>			
05-23-2024	Exhibit			
	<p>Additional text:</p> <p>9-15 to James Susag Declaration</p>			

Date	Event	Court official	Court reporter	Amount
05-23-2024	Exhibit Additional text: 1-8 to James Susag Declaration			
05-23-2024	Other papers Additional text: Declaration of James Susag			
05-23-2024	Memorandum Additional text: in Opposition to Motion for Summary Judgment			
05-08-2024	Affidavit Additional text: of Philip G. Villaume			
05-08-2024	Brief in support of motion Additional text: for Summary Judgment			
05-08-2024	Notice of motion, motion Additional text: for Summary Judgment			
04-30-2024	Party dismissed for KURTA, VINCENT SCOTT	Thimm, Kelly J		
04-30-2024	Order Additional text: Dismissing Defendant Vincent Scott Kurta	Thimm, Kelly J		
04-29-2024	Proposed Order			

Date	Event	Court official	Court reporter	Amount
	Additional text: Dismissing Defendant Vincent Scott Kurta			
04-29-2024	Voluntary dismissal Additional text: of Defendant Vincent Scott Kurta with Prejudice			
04-03-2024	Notice of motion, motion Additional text: Defendant's Amended Notice of Motion and Motion for Summary Judgment			
04-03-2024	Exhibit Additional text: Ex's F - L to Affidavit of Terry Johnson			
04-03-2024	Brief of Defendant Additional text: in Support of Motion for Summary Judgmt			
04-03-2024	Affidavit in support of motion Additional text: for Summary Judgmt (Vincent Scott Kurta)			
04-03-2024	Affidavit in support of motion Additional text: for Summary Judgmt (Johnson)			
04-03-2024	Notice of motion, motion Additional text: Def's Notice of Motion & Motion for Summary Judgmt			

Date	Event	Court official	Court reporter	Amount
03-13-2024	Stipulation Additional text: to Amend Scheduling Order			
03-13-2024	Notice of hearing Additional text: Motion hearing on May 30, 2024 at 02:30 pm.			
01-08-2024	Order Additional text: Regarding Plaintiff's Motion to Compel	Thimm, Kelly J		
01-05-2024	Proposed Order Additional text: Regarding Plaintiff's Motion to Compel			
01-05-2024	Letters/correspondence Additional text: from Terry Johnson to Judge Thimm submitting proposed order re hearing on plaintiff's motion to compel			
01-02-2024	Stipulation and Order Additional text: Stipulation and Protective Order	Thimm, Kelly J		
01-02-2024	Proposed Order Declined			
01-02-2024	Proposed Order Declined			
01-02-2024	Prop. stipulation and prop. order			

Date	Event	Court official	Court reporter	Amount
Additional text:				
Stipulation and Proposed Protective Order				
01-02-2024	Motion hearing	Thimm, Kelly J	Graupe, Adam	

Date	Event	Court official	Court reporter	Amount
------	-------	----------------	----------------	--------

Additional text:

10:59 AM Attorney Philip Gordon Villaume appeared by phone for KATHY ANN CARGILL and CAROL J. RYDBERG. Attorney James Susag appeared by phone for KATHY ANN CARGILL. Attorney Adam Pabarcus appeared by phone for KATHY ANN CARGILL. Defendant CAROL J. RYDBERG appeared by phone. Attorney Terry E. Johnson appeared by phone for VINCENT SCOTT KURTA. Attorney Vincent Kurta not in court. Motion to compel. Atty Susag makes arguments on issues: crime fraud exception, number of interrogatories, discovery deficiency, taking 11 depositions, reopening depositions. Asks for limited atty-client communication documents to be provided to Ct for in-camera review. Ct questions Atty Susag. Atty Villaume argues to atty-client privilege, argues crime fraud exception does not apply, call to dispatcher made by Kurta, not Ryberg, objects to medical and financial records requests as irrelevant. Asks that if Ct orders production, that Ct reviews those documents in-camera. Objects to additional depositions. Atty Johnson argues Susag cited rules improperly, cites statutes that govern discovery, asks Ct to consider what is proportional to the needs of the case, responds to plaintiff's arguments. Atty Susag responds to Johnson's claim that Plaintiff is running up fees, states they are asking for targeted discovery and clarification on interrogatory answers. States medical records in their possession should be produced if Popsychalla medical issues re: signatures will be used as a defense. Ct comments on atty-client privilege, states it is Plaintiff's burden to prove exception, which they have not met, denies motion for exception of atty-client privilege. Ct directs defense to respond as to medical and financial records, allows for supplemental depositions of both defendants and plaintiff, denies request for more than ten depositions. Atty Johnson to draft Order. Atty Susag asks for clarification on depositions. Ct rules that reopened depositions do not count as additional depositions toward ten.

12-28-2023 Affidavit

Date	Event	Court official	Court reporter	Amount
	<p>Additional text: of Terry Johnson in Opposition to Plaintiff's Motion to Compel Discovery</p>			
12-28-2023	Brief of Defendant			
	<p>Additional text: in Opposition to Plaintiff's Motion to Compel Discovery</p>			
12-27-2023	Proposed Order			
	<p>Additional text: Denying Ms. Cargill's Motion to Compel</p>			
12-27-2023	Memorandum of law			
	<p>Additional text: in Opposition to the Plaintiff's Motion to Compel Discovery</p>			
12-27-2023	Notes			
	<p>Additional text: Judge Thimm's telecommunications cart is no longer operational. The motion hearing for Jan. 2, 2024 at 11:00 a.m. will need to be held by conferencing bridge. Parties can call 1-667-770-1197 and enter Access Code: 633503# to join. E-Mailed to parties by JA Martin</p>			
12-13-2023	Proposed Order			
	<p>Additional text: Granting Plaintiff's Motion to Compel Discovery</p>			
12-13-2023	Brief in support of motion			
	<p>Additional text: Plaintiff's Memorandum in Support of Motion to Compel Discovery</p>			
12-13-2023	Other papers			

Date	Event	Court official	Court reporter	Amount
	Additional text: Declaration of James M. Susag			
12-13-2023	Notice of motion, motion Additional text: to Compel Discovery			
12-04-2023	Notice of hearing Additional text: Motion hearing on January 2, 2024 at 11:00 am.			
10-06-2023	Letters/correspondence Additional text: to Judge selecting mediator			
08-07-2023	Scheduling order	Thimm, Kelly J		
08-07-2023	Video conferencing			
08-07-2023	Scheduling conference	Thimm, Kelly J	Graupe, Adam	

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>1:01 PM - Attorney Philip Gordon Villaume appeared by video for KATHY ANN CARGILL and CAROL J. RYDBERG. Attorney James Susag appeared by video for KATHY ANN CARGILL. Attorney Adam Pabarcus appeared by video for KATHY ANN CARGILL. Attorney Terry E. Johnson appeared by video for VINCENT SCOTT KURTA. Depo has been done, req case scheduled today. OFF RECORD to schedule - jury fee due 9/1 if not will be CT. Feels needs 3 days for JT, JT scheduled for Aug 7-9, 2024 at 8:30 am. TPTC - July 15, 2024 @ 3 pm (info will be on order), Discovery open, no added parties anticipated/deadline 9/15, Experts Pltfs 2/2. Def's 4/1. ADR required, 2 wks prior to PTC, dispo mo filed 120 days before trial & heard 90 days before trial. On Record 1:13 pm. Req adm of order for Pro Hoc Vice, req prepare petit & cts asst will draft order. Ct will prepare order. Jury trial scheduled for August 7, 2024 at 08:30 am. Jury trial scheduled for August 8, 2024 at 08:30 am. Jury trial scheduled for August 9, 2024 at 08:30 am. Final pre-trial scheduled for July 15, 2024 at 03:00 pm.</p>			
06-28-2023	Answer to amended complaint			
	<p>Additional text:</p> <p>Vincent Kurta's</p>			
06-27-2023	Answer and affirmative defense			
	<p>Additional text:</p> <p>Def Carol J Rydberg</p>			
06-26-2023	Transcript			
	<p>Additional text:</p> <p>of Mo Hring held 6/14/2023 - Ct Rptr AG</p>			
06-20-2023	Letters/correspondence			

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>to Judge T fr Atty Susag (sent thumb drive to Judge)....Judge T forwarded the Thumb Drive to Clk of Ct. Clk placed thumb drive in Vault where Ex's are kept.</p>			
06-16-2023	Certificate of service			
06-14-2023	Reinstate party for RYDBERG, CAROL J.			
06-14-2023	Exhibit			
	<p>Additional text:</p> <p>O-U to Amend'd Complaint</p>			
06-14-2023	Exhibit			
	<p>Additional text:</p> <p>D-N - to Amend'd Complaint</p>			
06-14-2023	Exhibit			
	<p>Additional text:</p> <p>A -C to Amend'd Complaint</p>			
06-14-2023	Amended complaint			
06-14-2023	Order	Thimm, Kelly J		
	<p>Additional text:</p> <p>Granting Pltf's Mo for Leave to Amend the Complaint</p>			
06-14-2023	Video conferencing			
06-14-2023	Motion hearing	Thimm, Kelly J	Graupe, Adam	

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>10:44 AM - Plaintiff KATHY ANN CARGILL appeared by video. Attorney Philip Gordon Villaume appeared by video for KATHY ANN CARGILL. Attorney James Susag appeared by video for KATHY ANN CARGILL. Attorney Adam Pabarcus appeared by video for KATHY ANN CARGILL. Attorney Terry E. Johnson appeared by video for VINCENT SCOTT KURTA. Mo for leave to amend is addressed. Susag makes argumt. 802.03(6) discussed. Johnson gives argumt. Villaume gives argumt. Ct grants mo for leave to amend compl, no prej. There is order for ct to sign. Mo to DISM will be heard after amend'd compl is filed & not pursue current mo & ct finds mo to dismiss is muted. Atty's will accept service. SC via ZOOM w/same ZOOM link as of today. Scheduling conference scheduled for August 7, 2023 at 01:00 pm.</p>			
06-14-2023	<p>Notice of hearing</p> <p>Additional text:</p> <p>Scheduling conference on August 7, 2023 at 01:00 pm.</p>			
06-13-2023	<p>Notice of retainer</p> <p>Additional text:</p> <p>Application for Pro Hac Vice Admission</p>			
06-12-2023	<p>Letters/correspondence</p> <p>Additional text:</p> <p>to Judge T fr Atty Villaume (re: recently retained to rep Ms Rydberg)</p>			
06-12-2023	<p>Notice of retainer</p>			
06-12-2023	<p>Notice of retainer</p>			
06-12-2023	<p>Letters/correspondence</p> <p>Additional text:</p> <p>to Judge T fr Atty Johnson (re: supplemental submission)</p>			
06-09-2023	<p>Letters/correspondence</p>			

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>to Judge T fr Atty Susag (re: thumb drive) Clk is noting that they are not in possession as of this writing of a thumb drive</p>			
06-09-2023	Memorandum			
	<p>Additional text:</p> <p>Pltf's Supplemental Memorandum in Support of Mo for Amended Complaint</p>			
06-09-2023	Other papers			
	<p>Additional text:</p> <p>Declaration of James M Susag</p>			
05-18-2023	Brief			
	<p>Additional text:</p> <p>Defendant's Reply Brief in Support of Motion to Dismiss Count II and the Complaint</p>			
05-12-2023	Affidavit			
	<p>Additional text:</p> <p>Declaration of James Susag</p>			
05-12-2023	Memorandum			
	<p>Additional text:</p> <p>Pltf's Memorandum in Opposition to Def Vincent Scott Kurta's Motion to Dismiss Count II and the Complaint</p>			
05-11-2023	Brief			
	<p>Additional text:</p> <p>Def's Brief in Opposition to Motion for Leave to Amend the Complaint</p>			
05-01-2023	Proposed Order			

Date	Event	Court official	Court reporter	Amount
	Additional text: Granting Pltf's Motion for Leave to Amend the Complaint			
04-28-2023	Notice of motion, motion Additional text: for Leave to Amend Complaint - Pltf's			
04-28-2023	Exhibit			
04-28-2023	Exhibit			
04-28-2023	Memorandum Additional text: Pltf's Memorandum in Support of Motion for Amend'd Complaint			
04-28-2023	Order	Thimm, Kelly J		
	Additional text: Granting Motion to Appear Pro Hac Vice			
04-28-2023	Proposed Order Declined			
04-28-2023	Proposed Order Additional text: Granting Motion for Admission of Atty Adam J Pabarcus Pro Hac Vice			
04-28-2023	Motion Additional text: for Admission of Atty Adam J Pabarcus Pro Hac Vice			
04-26-2023	Transcript Additional text: fr MH held 10/27/2022 - Ct Rptr Graupe			
04-19-2023	Notice of hearing			

Date	Event	Court official	Court reporter	Amount
	Additional text: Motion hearing on June 14, 2023 at 10:30 am.			
04-18-2023	Telephone scheduling conference	Thimm, Kelly J	Graupe, Adam	
	Additional text: 1:21 PM Attorney James Susag appeared by phone for KATHY ANN CARGILL. Attorney Terry E. Johnson appeared by phone for VINCENT SCOTT KURTA. Carol Rydberg appears via phone. Mo to Dism needs to be heard & Mo to amend compl by other party. Seeking to add Rydberg bk into the case. Parties req ZOOM appearance & ct will send out ZOOM invite in the next few days. Mo to amend to be filed by 4/28, all responses due 5/12. Motion hearing scheduled for June 14, 2023 at 10:30 am.			
04-11-2023	Notice of hearing			
	Additional text: Telephone scheduling conference on April 18, 2023 at 01:15 pm.			
03-20-2023	Notice of motion, motion	Thimm, Kelly J		
	Additional text: Defendant's Notice of Motion and Motion to Dismiss			
03-20-2023	Brief in support of motion	Thimm, Kelly J		
	Additional text: Defendant's Brief in Support of Motion to Dismiss Count II and the Complaint			
03-20-2023	Letters/correspondence	Thimm, Kelly J		

Date	Event	Court official	Court reporter	Amount
	Additional text: Letter from Terry Johnson to Judge Thimm re filing Motion to Dismiss and supporting Brief			
02-16-2023	Notice of hearing Additional text: Telephone scheduling conference on April 14, 2023 at 02:30 pm.			
02-15-2023	Letters/correspondence Additional text: to Judge Thimm from Plntff Atty re: response to Mr. Johnson's letter on Feb. 14, 2023.	Thimm, Kelly J		
02-14-2023	Letters/correspondence Additional text: Atty Johnson letter to Judge requesting scheduling conference	Thimm, Kelly J		
11-17-2022	Transcript Additional text: Partial Transcript - Motion Hearing on October 27, 2022	Thimm, Kelly J		
11-07-2022	Party dismissed for RYDBERG, CAROL J.	Thimm, Kelly J		
11-07-2022	Order Additional text: Granting Ms. Rydberg's Motion To Dismiss Without Prejudice	Thimm, Kelly J		
10-31-2022	Proposed Order	Thimm, Kelly J		

Date	Event	Court official	Court reporter	Amount
------	-------	----------------	----------------	--------

Additional text:

Granting Ms. Rydberg's Motion to Dismiss

10-27-2022	Video conferencing			
------------	--------------------	--	--	--

10-27-2022	Motion hearing			
------------	----------------	--	--	--

		Thimm, Kelly J	Graupe, Adam	
--	--	-------------------	-----------------	--

Additional text:

2:30 PM - Plaintiff KATHY ANN CARGILL appeared by video. Attorney James Susag appeared by video for KATHY ANN CARGILL. Defendant CAROL J. RYDBERG appeared by video. Attorney Philip Gordon Villaume appeared by video for CAROL J. RYDBERG. Def summons on # of days is waived. Forged notes signatures appear to be different. Mo to DISM 802.03(6) cited by ct & feels has not been meet. Mo to DISM regarding Ct 1 - is DISM'd. Does not see wrongful acts, not conspiracy, Mo to Ct 1 & 3 grant'd to DISM w/o prej...no Mo on Ct 2. Order will be prepared by Atty.

10-26-2022	Video conferencing			
------------	--------------------	--	--	--

10-26-2022	Motion hearing			
------------	----------------	--	--	--

		Thimm, Kelly J	Graupe, Adam	
--	--	-------------------	-----------------	--

Date	Event	Court official	Court reporter	Amount
	<p>Additional text:</p> <p>11:00 AM Plaintiff KATHY ANN CARGILL appeared by video. Attorney James Susag appeared by video for KATHY ANN CARGILL. Atty Jeffrey Schiek appeared by video for Carol J Rydberg. Attorney Philip Gordon Villaume not in court. Attorney Terry E. Johnson appeared by video for VINCENT SCOTT KURTA. Janelle appeared by video - Ct doesn't know who it is; requests last name.</p> <p>Zoom Motion to Dismiss hearing, Motion filed by defense. Ct doesn't see Atty Villaume, Atty Schiek comments, he's not appearing today. Ct comments, who's the licensed WI Atty. Atty Schiek comments, he's admitted Pro hac vice. Atty Villaume has medical issues - Ct comments re: reading order, has to be a licensed Atty. Ct states not proceeding on Motion to dismiss. Questions Atty when they will have a licensed Atty. Atty Schiek comments will try to contact him to join on Zoom. Ct comments, all is ready to go. Will reconvene at 11:15 am. Off the record @ 11:05 am. Back on the record @ 11:19 am. Parties & Attys still present. Atty Schiek wasn't able to get a hold of Villaume. Having surgery 11-2. Ct comments re: rescheduling. Off the record @ 11:20 am for scheduling. Back on the record @11:23 am. Ct spoke to the parties off the record, decided to adjourn the hearing until tomorrow @ 2:30 pm, all parties agree. Ct Adjourning to 10-27-22 @ 2:30 pm. by Zoom. Motion hearing scheduled for October 27, 2022 at 02:30 pm.</p>			
10-26-2022	<p>Notice of hearing</p> <p>Additional text:</p> <p>Motion hearing on October 27, 2022 at 02:30 pm.</p>			
10-21-2022	<p>Memorandum</p> <p>Additional text:</p> <p>Plaintiff's Memorandum in Opposition to Defendant Carol J. Rydberg's Motion to Dismiss</p>	Thimm, Kelly J		

Date	Event	Court official	Court reporter	Amount
10-10-2022	Notice of motion, motion	Thimm, Kelly J		
	<p>Additional text: Defendant Carol J. Rydberg's Amended Motion to Dismiss</p>			
10-10-2022	Memorandum	Thimm, Kelly J		
	<p>Additional text: Defendant Carol J. Rydberg's Memorandum of Law in Support of Her Motion to Dismiss</p>			
10-10-2022	Notice of hearing			
	<p>Additional text: Motion hearing on October 26, 2022 at 11:00 am.</p>			
10-03-2022	Order	Thimm, Kelly J		
	<p>Additional text: Granting Motion To Appear Pro Hac Vice</p>			
09-29-2022	Notice of motion	Thimm, Kelly J		
	<p>Additional text: to Admit Jeffrey Schiek Pro Hac Vice</p>			
09-29-2022	Letters/correspondence	Thimm, Kelly J		
	<p>Additional text: to Judge Thimm from defendant Atty re: attached Motion to admit Jeffrey D Schiek pro hac vice.</p>			
09-12-2022	Notice of assignment of judge			
09-12-2022	Order assigning judge/judicial assignment order	Thimm, Kelly J		

Date	Event	Court official	Court reporter	Amount
09-06-2022	Other papers	McKnight, Kelly J		
<p>Additional text: Application for Pro Hac Vice Admission</p>				
08-29-2022	Answer	McKnight, Kelly J		
<p>Additional text: Defendant Kurta's Answer to Complaint</p>				
08-29-2022	Notice of retainer	McKnight, Kelly J		
<p>Additional text: Atty Terry E Johnson, von Briesen & Roper, SC on behalf of Defendant, Vincent Scott Kurta.</p>				
08-25-2022	Application for specific judicial assign approved	McKnight, Kelly J		
08-24-2022	Notice of motion, motion			
<p>Additional text: to Dismiss</p>		McKnight, Kelly J		
08-24-2022	Notice of retainer			
<p>Additional text: Atty Philip G Villaume, Villaume & Schiek PA on behalf of Defendant, Carol J Rydberg.</p>		McKnight, Kelly J		
08-24-2022	eFiled Document Fee Paid			

Date	Event	Court official	Court reporter	Amount
	Additional text: Adjustment Number: 22A 061895, Payable Number: 82563, Receipt Number: 22R 003938, Amount: \$20.00			
08-05-2022	Notice of retainer	McKnight, Kelly J		
	Additional text: Atty Vincent S Kurta, Kurta Law Office SC on behalf of himself as defendant.			
08-05-2022	Electronic Notice Update			
08-05-2022	eFiled Document Fee Paid			\$20.00
	Additional text: Adjustment Number: 22A 061590, Payable Number: 82391, Receipt Number: 22R 003639, Amount: \$20.00			
08-05-2022	Filing fee paid			\$285.50
	Additional text: Adjustment Number: 22A 061582, Payable Number: 82385, Receipt Number: 22R 003619, Amount: \$285.50			
08-05-2022	Case initiated by electronic filing			
08-05-2022	Summons and complaint	McKnight, Kelly J		

Date	Event	Court official	Court reporter	Amount
	Additional text: 30106			