

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY WALTER BROOM,

Plaintiff,

v.

ATZALAN ENG. INC.,

Defendant.

ORDER

16-cv-262-jdp

Plaintiff Gary W. Broom, a resident of Ixonia, Wisconsin, alleges that defendant Aztalan Engineering, Inc., wrongfully terminated him from his job as a machinist. In a November 22, 2016 order, I gave Broom a final chance to properly support his claim under the Age Discrimination in Employment Act (ADEA) with a statement of his age at the time of firing, and to explain the basis for any state law claim he wished to bring. Broom has responded by filing a supplement to the complaint stating that he was 62 years old at the time of firing, so I will allow him to proceed on his ADEA claim. Broom also states that he was an at-will employee at the time he was fired, so I will not allow him to proceed on a state law breach of contract claim.

ORDER

IT IS ORDERED that:

1. Plaintiff Gary W. Broom is GRANTED leave to proceed on a claim under the Age Discrimination in Employment Act.
2. The clerk of court is directed to ensure that the United States Marshals Service serves defendant Atzalan Eng. Inc. with a copy of plaintiff's original complaint, Dkt. 1, supplements to the complaint, Dkt. 5 and Dkt. 7, and this order. Plaintiff should not attempt to serve defendant on his own at this time.

3. For the time being, plaintiff must send defendant a copy of every paper or document that he files with the court. Once plaintiff learns the name of the lawyer or lawyers who will be representing defendant, he should serve the lawyer directly rather than defendant. The court will disregard documents plaintiff submits that do not show on the court's copy that he has sent a copy to defendant or to defendant's attorney.
4. Plaintiff should keep a copy of all documents for his own files. If he is unable to use a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered January 11, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge