In the

United States Court of Appeals

For the Seventh Circuit

!!!!!!!!!!!!!!!!!!!!"

#$%&'()&&&"

* #+,-." / ,0,-/"12 0 3-4+50 6"# $%&'& '%$()#(**+.."%%""6"

/&!

.+/7 # -,8149 :%:%56% 0"*")1$)#,-.."%%$)#%"

!!!!!!!!!!!!!!!!!!!!"

0;;<=> ?@$A BC< *DEB /B=B<G .EGB6BE@B"/

!!!!!!!!!!!!!!!!!!!!"

-N,-3O-4" &'6 PJ&Q"L".-5+.-." 3 0457" PR6"PJPJ"

!!!!!!!!!!!!!!!!!!!!"

O<?$@<0/,-4O4119 69 0##- 6"=DF 0##0# 65(673(# 2314, "+%"

- 0/,-4O4119 6"

D$B"HC=>><D[<"=DZ TDFED["$? ?=HB% ,CEG GEA;>ET<G BC< =;;<>(
>=B< B=GW6 SIB><[=>"EGGI<G @<A=ED%"

.+/7"G$>F"EBG"G=B<>>EB<",b"G<@UEH<"BC@$I[C"EBG"$VD"GB=c"
;>IG"BCE@F";=@BE<G%",C<G<"?<>>"EDB$"BC@<<"H=B<[$@E<G%".+/7"
CE@<F"dB<><A=@W<BED[U<DF$@Ge"B$H$DFIHB"H=A;=E[DG $D EBG"
S<C=>?% +B"IG<F BC$IG=DFG $?d?I>>"G<@UEH<@<B=E><@Ge"BC=B"G$>F6"
EDGB=>><F6"=DF G<@UEH<F"G=B<>>EB<[<=@"=DF"G<@UEH<ED BC<E@"=@<(
=G%"2ED=>>Z6"EB"C=F"G$A<"YJ"d$@F<@(<DB@Z"@<B=E><@Ge6"VCEHC"
IG<F";C$D<G"B$"G<>>"D=BE$DVEF<%",C<"$@F<@(<DB@Z"@<B=E><@G"
B$$W $@F<@G ?@$A HIGB$A<@G"=DF"<DB<@<F"BC<A FE@<HB>Z EDB$"
.+/7fG"H$A;IB<@"GZGB<A%".+/7"V=G"@<G;$DGES><"?$@"ED(
GB=>>ED["BC<"D<H<GG=@Z"<gIE;A<DB"=DF"@<H<EU<F";=ZA<DBG"
?@$A"BC<"HIGB$A<@G6"@<AE]ED["B$"BC<"$@F<@(<DB@Z"@<B=E><@G"="
H$AAEGGE$D"?$@"<=HC"D<V"HIGB$A<@%",CEG"=;;<=>"H$DH<@DG"
BC<"=HBG"$?".+/7"=DF"?$I@"$@F<@(<DB@Z"@<B=E><@G'".EGC",b"
#$V6 /B=@ /=B<>>EB<6h/46"=DF /=B<>>EB</ZGB<AG #<BV$@W%"

,C<"*DEB<F"/B=B<G6"5=>E?$@DE=6"#$@BC"5=@$>ED=6"+>>ED$EG6"
=DF 1CE$"T><F"GIEB"=[=EDGB .+/76"=>><[ED["UE$>=BE$DG $?? <F(
<@=>"=DF"GB=B<>=VG%,C<FEGB@EHB"H$I@B?$IDF"BC=B.+/7"=DF"
EBG"=[<DBG"UE$>=B<F"BC<",<><A=@W<BED[" /=><G"4I><6"&R"5%2%4%"
i)&J ^;@$;=[=B<F"IDF<@ &Y *%/%5%"iXY6";=@B $?"BC< 2<F<@=>"
,@=F< 5$AAEGGE$D 0HB_6BC< ,<><;C$D< 5$DGIA<@ N@$B<HBE$D"
0HB6"X'"*%/%5%"iPP'6"=DF"@<>=B<F"GB=B<>=VG% ,C<=;;<=>H$D(
H<@DG BC<"<jB<DB B$VCEHC .+/7C=FB$H$$@FED=B<F$(D$B(H=>>"
>EGBG"VEBC"=DF"=A$D["BC<G<"@<B=E><@G"$@"V=G"$BC<@VEG<"@<(
G;$DGES><?$@BC<E@"=HBG% ,C< ,<><A=@W<BED[/=><G4I><";@$(
CESEBG"^E_"H=>>G"B$;<$;><"VC$;>=H<F"BC<E@"D=A<G"$D"BC< #=(
BE$D=>.$ #$B 5=>>4<[EGB@Z6"^EE_"H=>>G"B$;<$;><"VC$;>=H<F"
BC<E@ D=A<G $D"="U<DF$@fG EDB<@D=>F$(D$B(H=>>>EGB6"=DF ^EEE_"
d=S=DF$D<Fe"H=>>G^G$D=A<F S<H=IG<"="GZGB<A BC=B?=E>G"B$"
;IB BC< H$DGIA<@EDH$DB=HB"VEBC"=">EU<;<@G$D VEBCED BV$"

R" #$%"&'()&&&"

,CEG" H$DB@=HB ^A=B<@E=>>Z EF<DBEH=>DB@Z"=@<"($@F<@(

6>BDC 0.196 0.S40(3)-211(S)-9>>BFG9(B(1)8167(B[]-196 =U)2>BF< .+7 ((/)=M

())3 (E

Q" #$%"&'()&&&"

$@ GC< F$<G D$B"VEGC"B$ @<H<EU<"=D IBSIDF"B<><;C$D< H=>>"
A=F< SZ"$@ $D S<C=>?"$?"BC< G<>><@ VG$G<"[$F@UEH<G"
=@< S<ED["$c<@<Fe% &R 5%2%4%"i)&J%X^S_^&_^5_ ^E>E_^G"%
BC=B BC< UE$>=BE$D"H=>>6 D$B BC< ?=E>I@< B$ H$$@FED=B<"
B<@D=> D$(H=>> >EGBG% :=HW $?"H$$@FED=BE$D"A=Z ><=F B$?$@(
SEFF<D"H=>>G6"SIB"BC<"=SG<DH<"$?"H$$@FED=BE$D"<?"="
><[=> V@$D[% 0G >$D[=G G<>><@G F$ D$B"H=>> ;<$;>< VC$ C=U<"
=GW<F"D$B B$ S<"H=>><F6 BC<Z C=U<"G=BEGT<F BC<E@ ><[=>"$S>E[=(
BE$D",CEG EA;>BC=B dGIHC ?=E>I@<e"ED iXY^A_^&_^5_ @<?<@G B$"
<=HC H=>>% 0 H=>> BC=B >=GB<F AI>BE;>< F=ZG V$I>F H$IDB =G $D<"
UE$>=BE$D ;<@ F=Zl"$BC<@VEG<"BC<@< EG"$D<"UE$>=BE$D ;<@"H=>>%"
5?%?"$#(<)$% P$(%6<$1!'$++")4"6 5<6.&!/& J<64$R"*%/%"&J&"
^PJJP_ ^FEGBED[IEGCED[S<BV<<D FEGH@<B< UE$>=BE$DG $? ,EB>< b++"
$?"BC< 5EUE> 4E[CBG 0HB"=DF"H$DBEDI$IG dC$GBE(>< V$@W"<DUE
@$DA<DBE UE$>=BE$DG_% #$"$D< C=G"G$I=CB"<F ;<D=>BE<G"
?$@" AI>BE(=Z" H=>>G6" =DF" S<H=IG<" BC<" H=>>" EG" BC<" UE$>=BE$D"
iXY^A_^&_^5_ F$<G"D$B"HIB F$VD >E=SE>EBZ"B$"$D< ;<D=>BZ ;<@"
F=Z%"

/$A<"$? BC<"$@F<DB@Z"@<B=E><@Gf"H=>>G"V<@<"V@$D[?I> ED(
F<;<DF<DB"$?"BC<(>E$@FED=BE$DEI; (V)14%(<)-1 (G")]TJ 0UE$=VP%2(=G")CD(F

&J" #$%"&'()&&&"

GEF<" $?" ,<@@<" 7=IB<%" N@EDHE$B>G"=S@<" ?$@" =HBG" BC=B" [@=BE?Z =D =[<DBfG F<GE@<G =B BC< ;@EDHE;=>Gf <j;<DG<%"

.+/7fG" =[<DBG6" SZ" H$DB@=GB6" =HB<F" VEBCED" BC<E@" =IBC$@EBZ" B$ G<>> ,b G<@UEH< IGED[;C$D< H=>>G6"=DF BC$G<"=HBG S<D<T]<F" .+/7% ,C< FEGB@EHB"H$I@B ?$IDF BC=B .+/7 WD<V"VC=B BC<"$@(F<@<DB@Z @<B=E><@G V<@< F$ED[% ,C=B EG <D$I[C ?$@ .+/7 B$ S<" >E=S><" ?$@$BC<"<DB@Z" @<B=E><@[=>" H=>>G" BC$G<" ?<F<@=>"=DF" GB=B< >=VG<DF B<Z$DF" BC<E>I@< H$" $@FED=B<B<@D=DF$H=>>EGBG%"

8< C=U< $D< @<A=EDED[gI<GBE$D $? >E=SE>EBZ% ,C< FEGB@EHB" H$I@B ?$IDF .+/7 >E=S>< IDF<@" i)&J%)^S_" $?" BC< ,<><A=@W<B ED[" /=><G" 4I><" ?$@" dGISGB=DBE=>>Z" =GGEGBED[e"D/B=@" /=B<>>EB<" A=WED[=S=DF$D<F"H=>>G% ,CEG"<c<HBEU<>Z"A<=DG BC=B BC< FEG B@EHB" H$I@B" C<>F .+/7 >E=S><;<@" =S=DF$D<F" H=>>`" $DH<" ?$@ A=WED[BC< H=>> ^BC@$I[C =D =[<DB_"=DF"$DH< ?$@"=GGEGBED[" BC=B =[<DB% ,C<DFEG<" BC<B@EHB H$I@B F<H>ED<F B$ H$IDB BC< H=>>G" BVEH<ED"H=>HI>=BED[BC< ;<D=>BZ6"G$ EB EG"D$B"H><=@"VCZ .+/7" S$BC<@G B$;@$B<GB%"

,$" BC<" <jB<DB" BC=B" BC<" dGISGB=DBE=>" =GGEGB=DH<e" TDFED[" =c<HB<F BC<GE@EHB"H$I@BfG"<j<@HEG< $? FEGH@<BE$D ED"G<><HBED[" BC<" ;<D=>BZ6" C$V<U<@6" BC<" TDFED[" A=Z" A=]<@L=DF" EB" V=G" AEGB=W<D% /<HBE$D")&J%)^S_"G=ZG` d+B EG"="F<H<;BEU< B<><A=@W<B ED[=HB $@ ;@=HBEH< =DF"= UE$>=BE$D $? BCEG 4I>< ?$@ = ;<@G$D B$" ;@$UEF< GISGB=DBE=>"=GGEGB=DH< $@ GI;;$@B B$"(=DZ G<>><@ $@ B<> <A=@W<B<@" VC<D" BC=B" ;<@G$D" WD$VG" $@" H$DGHE$IG>Z" =U$EFG" WD$VED[BC=B BC< G<>><@ $@ B<><A=@W<B<@ EG <D[=[<F ED"=DZ =HB" $@" ;@=HBEH<" BC=B" UE$>=B<G" o$BC<@" ;@$UEGE$DG" $?" BC<" 4I><p%e" 8CE>< .+/7 EG"="d;<@G$De"=GDF<F ED)i&J%P" $?" BC< 4I><6" H$DB<jB"GC$VG"BC=B BC<"G$@B"$? d;<@G$De"B$"VC(CEHC BCEG ;@$CE SEBE$D =;;>E<G EG $D< BC=B"=GGEGBG = dG<>><@e $@ dB<><A=@W<B<@%e s<B .+/7 EG BC< G<>><@ ?$@ BCEG ;I@;$G<l =G BC< ;@EDHE;=> B$ BC<"

&P" #$%"&'()&&&"

,C<" AEGB=W$?(?=HB"<?<DG<" EG="W% ,C<" WD$V><F[<" $?"
BC<" =[<DB EG EA;IB<F" B$ BC< ;@%D0HB;=> FEGB@EHB" H$I@B"
?$IDF6 BC$@F<@DB@Z"@<B=E><@G WD<V BC=B BC<Z"V<@< A=WED["
AE>>E$DG $?" H=>>G6" =DF" BC<Z" V<@< A=WED[" BC$G< H=>>G B$ [=ED"
HIGB$A<@G" ?$@" .+/7%" ,C<@<?$@<6" .+/7" WD<V" $?" BC<" H=>>G" =G"
V<>>P"+#$#":")# QNC(61R-4")78! iY%J)"?$#(<)$% '6<137#(<)!
I<6B"6+!L)(<)! E)+36$)7"! N63+#! /&! 5(4)$! 5<6.&RRY" 2%)F" QK'6"
KJ)" ^'BC 5E@%" PJ&&_% 0DF .+/7fG ?=E>I@< B$ IDF<@GB=DF" BCEG"
@I><" $?" =[<DHZ" >=VLBC=B" EG6" EBG" AEGB=W<D" S<>E<?" BC=B" =" FEG(
H>=EA<@ ED BC< H$DB@=HB" H$I>F" =U$EF >E=SE>EBZLF$<G D$B ;@$
UEF< = F<?<DG< IDF<@ BCEG GB=BIB$@Z >=D[I=[<%"

5=D"=";=@BZ =U$EF >E=SE>EBZ"IDF<@ BC< 2<F<@(=> ,@=F< 5$A
AEGGE$D 0HB ?$@"="AEGB=W<"$? >=Vk ,@=FEBE$D=>>Z6 E[D$@=DH<"$?"
BC< >=V EG D$ <jHIG<% OIB iXY^A_^&_^0_ EDH>IF<G"$D"=@E=BE$D"
=D E[D$@=DH<(BC<>=V F<?<DG<l"="SIGED<GG H=D S$D<E=S><"
>Z E? EBBC<@ WD<V BC=B BC<" =HB" V=G ID>=V?I> EBC$E?F"
C=U< WD$VD BC<" =HB V=G ID>=V?I> ^dWD$V><F[< ?=E@>Z EA(
;>E<Fe_% /<2"6:$)!/& 5$6%(+%"= J7?"%%("= P()(= X6$:"67C!L%6(
>&'&-&6" YYK *%/%" Y')6" YQ)mQX" ^PJ&J_% L)(#"1>D#$#"+! /&!
?$#(<)$%! K()$)7($%! D"6/(7"+=6"EKQ& 2%)F" &)&6" &)K ^XBC 5E@%"
&KKR_%"

OIB BC< GB=B< $? .+/7fG WD$V><F[< EG Z<B =D8 (B 0.004 Tc -26. (D)2 (B)6 (@

&X" #$%"&'()&&&"

8<" =[@<<" VEBC" BC<" FB" BGB$@HB" BC<" 4I><" GC$VG" BC=B"
.+/7 D<<F<F B$"IG< BC< >=GB F=B<Z$?" ,C< B<jB"$? BC<"
4I><" GB=@BG" BC<" &Q" H>$HW" ?@$A" F=B<" H$DGIA<@"
;I@HC=G<G6"@<DBG6"$BC<" GC<G<" @fG [$$FG" EG" GC"
A=W<G" &Q" A$DBCG ?@$A BC< >=GB ,C< A$DBCG F=B<"
,C<" H$DB@=@Z GB=B<A<DB ED BC< 2<F<@=> 4<[EGB<@ ^E? EB"@<=>>Z EG"
H$DB@=@Z_ F$<G D$B ;I@;$@B B$ EDB<@;@<B =DZ $? BC< 4I><fG B<jB%"
0D =[<DHZfG @<=G$D=S>< EDB<@;@<B=BE$D $?"=ASE[I$IG @<[I>=(
BE$DA=Z S< <DBEB><F<$" @<DHX(%<6!/& I(%B6"&)K /% 5B%"
PXJJ" ^PJ&KP IO-9 (<)3 (G)]TJ -0.006 Tc 17.7 0 Td [(BC)-4 (<)-15 ($)]TJ 0 Tc 2.50 0 Td

#$%"&'()&&&" &Y"