NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted July 9, 2025*
Decided July 9, 2025

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2691

TIMOTHY RYAN GOVE,
Plaintiff-Appellant,

v.

SARGENTO FOODS, INC.,
Defendant-Appellee.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 18-cv-1335-pp

Pamela Pepper,
Chief Judge.

O R D E R

Timothy Gove's suit alleging employment discrimination and retaliation was dismissed at summary judgment because he failed to respond to Sargento Foods Inc.'s statement of material facts and did not support his own factual assertions with citations to admissible evidence in the record. As such, applying the local rules, the district court

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

deemed Sargento's facts admitted and, based on those admissions, entered summary judgment in its favor. Because district courts may reasonably require that even pro se litigants strictly comply with local rules, the district court did not abuse its discretion, and therefore we affirm.

Gove worked at Sargento from 2012 to 2018. He did not have any issues concerning his workplace behavior until 2017, when a female coworker reported that he engaged in harassing behavior towards her. No disciplinary action was taken against him. Over the next year, Gove raised several complaints of his own concerning coworkers. A representative from human resources investigated Gove's complaints but could not substantiate any of them.

Based on the unsubstantiated nature of Gove's complaints and his distress in the workplace (he took two days off work due to stress), the human resources representative referred Gove to Sargento's employee assistance program (EAP) for mandatory counseling. Gove signed an EAP referral-and-consent form, which stated that failure to complete the program could result in disciplinary action, including termination of employment. He had an initial assessment through the EAP and then scheduled a counseling appointment with a counselor. But he refused to participate in counseling without added conditions (e.g., Gove added a condition that the counselor was prohibited from consulting an expert without his permission), and these additional conditions prevented the counselor from proceeding with the appointment. Because Gove refused to comply with its EAP counseling requirements, Sargento fired him.

Gove then filed this suit in federal court, alleging, among other things, that Sargento retaliated against him for raising complaints about workplace harassment, *see* 42 U.S.C. § 2000e-3(a), and discriminated against him based on his sex, age, and religion, *see id.* § 2000e-2(a)(1); 29 U.S.C. § 623(a)(1). Sargento later moved for summary judgment and submitted a statement of material facts in compliance with Rule 56 of the Federal Rules of Civil Procedure and the local rules. *See* E.D. WIS. CIV. L. R. 56(a). The local rules required Gove to file a response to Sargento's statement along with his own statement of any additional material facts, and to cite supporting evidence in the record. *See* E.D. WIS. CIV. L. R. 56(b)(2)(B). But Gove failed to respond to Sargento's statement or file his own proposed statement of material facts.

The district court entered summary judgment for Sargento. Because Gove failed to dispute Sargento's statement of material facts, the court deemed admitted Sargento's version of the facts. Based on the facts before it, the court proceeded to find undisputed

that Gove's refusal to participate in the employee assistance program was a legitimate, nondiscriminatory reason for Sargento to fire him.

In this appeal, Gove mainly challenges the district court's decision to deem admitted Sargento's proposed findings of fact, which he characterizes as "full of lies and vanity." But even pro se litigants, like Gove, are not exempt from procedural rules or the consequences of failing to comply with them. *See McNeil v. United States*, 508 U.S. 106, 113 (1993); *McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 787 n.2 (7th Cir. 2019). Because Gove did not file a separate response to Sargento's proposed findings of fact, the district court appropriately exercised its discretion under the local rules to treat Sargento's proposed facts as admitted. *See* E.D. WIS. CIV. L. R. 56(b)(4); *Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021). Moreover, although Gove disagrees with Sargento's proposed facts, he did not support his assertions with citations to admissible evidence in the record. *See* FED. R. CIV. P. 56(c)(1)(A). For example, Gove referred to notes that he had created throughout his employment, but he has not shown how these hearsay documents would be admissible at trial to forestall summary judgment. *See Cairel v. Alderden*, 821 F.3d 823, 830 (7th Cir. 2016).

AFFIRMED