

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

WILLIAM WHITFORD, GRAHAM ADSIT,
ROGER ANCLAM, WARREN BRAUN,
HANS BREITENMOSE, JUDITH BREY,
BRENT BRIGSON, EMILY BUNTING,
SANDRA CARLSON-KAYE, GUY COSTELLO,
TIMOTHY B. DALEY, MARGARET LESLIE
DEMUTH, DANIEL DIETERICH, MARY LYNNE
DONOHUE, LEAH DUDLEY, JENNIFER ESTRADA,
BARBARA FLOM, HELEN HARRIS,
GAIL HOHENSTEIN, WAYNE JENSEN,
WENDY SUE JOHNSON, MICHAEL LECKER,
ELIZABETH LENTINI, NORAH MCCUE,
JANET MITCHELL, DEBORAH PATEL,
JANE PEDERSEN, NANCY PETULLA,
ROBERT PFUNDHELLER, SARA RAMAKER,
ROSALIE SCHNICK, ALLISON SEATON,
JAMES SEATON, ANN E. STEVNING-ROE,
LINEA SUNDSTROM, MICHAEL SWITZENBAUM,
JEROME WALLACE, DONALD WINTER,
EDWARD WOHL, and ANN WOLFE,

Plaintiffs,

v.

BEVERLY R. GILL, JULIE M. GLANCEY,
ANN S. JACOBS, JODI JENSEN, DEAN KNUDSON,
and MARK L. THOMSEN,

Defendants,

and

THE WISCONSIN STATE ASSEMBLY,

Intervenor-Defendant.

ORDER

15-cv-421-jdp

The court held a telephonic scheduling conference on February 1, 2019, in light of the court's decision to postpone the trial until the Supreme Court decides *Rucho v. Common Cause*, No. 18-422 (U.S.), and *Lamone v. Benisek*, No. 18-726 (U.S.). Plaintiffs appeared by Doug

Poland, Peter Earle, Ruth Greenwood, and Annabelle Harless. Defendants appeared by Brian Keenan, Anthony Russomanno, and Karla Kechhaver. Intervenor-defendant Wisconsin State Assembly appeared by Kevin St. John, Adam Mortara, Josh Ackerman, and Taylor Meehan.

The court set the trial for July 15–18, 2019, and set the following the pretrial deadlines:

June 14, 2019:

- opening briefs on the question whether plaintiffs' claims under the First Amendment right of association fall within the scope of the Supreme Court's mandate in this case;
- Rule 26(a)(3) disclosures;

June 21, 2019:

- objections to Rule 26(a)(3) disclosures;
- motions in limine;

June 28, 2019:

- response briefs on the mandate issue;
- responses to motions in limine;

July 3, 2019, or seven days after Supreme Court decides *Rucho* and *Lamone*, whichever is earlier:

- plaintiffs' supplemental expert reports;

July 8, 2019:

- a statement of stipulated facts and short trial briefs outlining what the parties believe the evidence will show at trial;

July 10, 2019, or seven days after plaintiffs file supplemental expert reports, whichever is earlier:

- defendants' supplemental expert reports.

The court also set a tentative briefing schedule for post-trial briefing: (1) opening briefs from both sides due 14 days after the close of trial; and (2) response briefs from both sides due 10 days after opening briefs are filed. The court may revisit the post-trial briefing schedule if necessary at the close of trial.

The court left it up to the parties to determine whether they will need supplemental depositions of the experts and, if so, to schedule those depositions at a mutually agreeable time. To streamline the trial, the court encouraged the parties to confer to determine whether some witness testimony may be presented through stipulated facts or deposition designations.

Entered February 1, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge