

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN A. AVERY,

Plaintiff,

vs.

Case No. 04-C-0986

MANITOWOC COUNTY,
THOMAS H. KOCOUREK, and
DENIS R. VOGEL,

Defendants.

STIPULATION

IT IS HEREBY STIPULATED by and between the undersigned that the court enter an order modifying the parties' proposed discovery plan set forth in paragraph D in the parties' Joint Rule 26(f) report as follows:

1. Plaintiff shall have until September 15, 2005, within which to file an amended complaint. The defendants shall have until October 5, 2005, within which to answer the plaintiff's amended complaint, if one is filed, or file an amended answer.
2. Fact discovery regarding liability issues shall be completed on or before December 6, 2005.
3. On or before December 13, 2005, plaintiff shall declare whether expert testimony will be presented in support of his claims with regard to liability (the identity of any experts need not be disclosed, but the fact that expert testimony will be utilized shall be declared). If the plaintiff declares he will not present expert testimony, then on or before December 20, 2005, defendants shall declare whether expert testimony will be presented in

support of their defenses with regard to liability. If no party declares his or its intent to use expert witnesses on any of the liability issues, then motions for summary judgment on the liability issues shall be filed on or before January 20, 2006.

4. Expert witness disclosures.

a. If plaintiff declares that he will present expert testimony, plaintiff shall have until January 13, 2006, within which to disclose experts and provide expert reports as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure.

Thereafter, defendants shall have until March 12, 2006, within which to disclose experts and provide expert reports. Expert witness depositions shall be completed by the parties on or before May 17, 2006.

b. If plaintiff declares that he will not present expert testimony, on or before December 20, 2005, defendants shall declare whether expert testimony will be presented in support of their defenses with regard to liability. If defendants declare that they will present expert testimonies, defendants shall have until January 20, 2006, within which to disclose experts and provide expert reports as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure. Thereafter, plaintiff shall have until March 19, 2006, within which to disclose experts and provide expert reports. Expert witness depositions will be conducted by the parties on or before May 17, 2006.

5. If any of the parties have used expert witnesses on any of the liability issues, then motions for summary judgment on liability issues shall be filed on or before June 17, 2006.

6. The remaining provisions of the Joint Rule 26(f) report remain unchanged by this stipulation.

Dated this _____ day of _____, 2005.

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